MANUAL

OF

MAINE GOVERNMENT

HENRY E. DUNNACK

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MANUAL OF MAINE GOVERNMENT

A BRIEF STATEMENT OF FACTS EVERY VOTER IN MAINE SHOULD KNOW

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IDEALS OF A DEMOCRACY.

The three main things that one should study in order to understand the genius, or characteristic spirit, of our government and its institutions are: (1) its constitutional framework, (2) the methods by which it is operated, and (3) the forces that move it and direct its course.

Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do ingloriously, by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?

Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.—*John Milton.*

The liberty-loving people of every country take courage from American prosperity. But America is not so much an example in her liberty as in the covenanted and enduring securities which are intended to prevent liberty degenerating into license, and to establish a feeling of trust and repose under a beneficent government, whose excellence, so obvious in its freedom, is still more conspicuous in its careful provision for permanence and stability. —*Cooley.*

This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined

by the fundamental maxims of true Liberty. The basis of our political systems is the rights of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.—*George Washington.*

It is of great importance in a republic, not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part.—*James Madison.*

Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker individual is not secured against the violence of the stronger. And as in the latter state, even the stronger individuals are prompted by the uncertainty of their condition to submit to a government which may protect the weak as well as themselves, so, in the former state, will the more powerful factions be gradually induced by a like motive to wish for a government which will protect all parties, the weaker as well as the more powerful.—*Alexander Hamilton.*

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. .....Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?—*Abraham Lincoln.*

PART I.

FLORAL EMBLEM.---THE FLAG.

CHAPTER I.

FLORAL EMBLEM——THE PINE CONE AND TASSEL

(*Pinus strobus L.*)

The idea of a national garland of flowers instead of a single national flower originated at the Women's Congress at the World's Fair in Chicago: one country—but it is made up of many different and individual states; one language but in it are vestiges of all the languages of the world; one flag, but that flag has thirteen stripes and forty-eight stars, so one floral emblem, a garland composed of the state flowers.

It was decided that each state should choose its own flower and that the legislature should be asked to make the choice legal. In our state the Maine Floral Emblem Society was immediately formed. Under its direction the Maine flower was chosen. Ballots were published in the newspapers during the months of November and December, 1894, and everyone was urged to register his choice. High school pupils, women's clubs, granges, and Maine people scattered all over the United States responded. The three flowers with the largest number of votes were the pine cone, the goldenrod, and the appleblossom, but the pine cone led by many thousand votes. In 1895 the pine cone and tassel were legally adopted by the sixty-seventh legislature as the floral emblem of the State of Maine.

It was particularly fitting that the flower of the "Pine Tree State," whose seal wears a pine tree in its heart, should be the pine cone and tassel. The pine of the seal is called in the old records the "mast pine, pinus, americana, quinis ex uno folliculo setis." We know it best as the white pine, but in England it is called the Weymouth pine because it is found in great quantity on the estate of Lord Weymouth of Kent. It is by far the most attractive of the six hundred varieties of pine, nearly forty of which are native to North America. It often reaches the height of one hundred and fifty to two hundred feet, with sometimes

eighty or ninety feet without branches. The white pine is most adaptable. Someone has said that it was frugal by nature and that it could stand poverty better than surfeit. You will find it growing everywhere in Maine, scattered among the other trees in the depths of the forest, clinging to the rocky soil of pasture land or coast and clustered in lovely groves on the hillsides. It once formed extensive, primeval forests, but these have long since disappeared under the axe of the settler and lumberman.

Always beneath the pine is a brown carpet of pine needles, overhead the whorled branches of evergreen, through which the wind soughs and murmurs its soft lullabies. The pine lives to a hale and hearty old age, growing from within outward. It has grace, elegance and dignity. Maine people do not have to be told of its manifold uses.

Although the pine lacks the legendary background of many trees, yet some pretty stories cling to it. The Japanese call it the New Year tree, and to them it typifies longevity, constancy and health. In other lands it is considered a sacred tree. It is the fir tree of the Norsemen. The scientific name, pinus strobus, is itself suggestive. Pinus comes from an old Celtic word meaning a rock, a mountain, and strobus is the name that Pliny gave in his Natural History, that storehouse of misinformation, to a tree of Persia that "yielded odiferous gum."

The tassel is the cluster of delicate, slender needle-like leaves which are in whorls of five. The flowers of the pine appear in the spring, first tiny stiff catkins, green and viscid. They grow slowly through the summer and in the fall they are an inch or two long. It takes two seasons for the cones to ripen. They are then four to six inches in length, cylindrical in shape, and about an inch in diameter. They droop and curve inwards slightly. The scales are without prickles and have a whitish gum-like deposit on their tips. The mature cones begin to open early in September when the seeds blow out and are carried by the wind far and wide. There are two little winged seeds on each scale, and there may be eighty or even more seeds in a cone. Next year the seedling pines appear, the promise of future forests. These far-

blown seeds are like Maine's children who have left her fostering care to find new homes among the oaks and maples of other states and other countries, but still they keep their sturdy virtues and claim the Pine Tree State as their home.

The pine cone is no hothouse flower grown only under the most favorable circumstances and available only in certain seasons. It is not a delicate, fragile thing which fades and withers quickly. Its dull brown is the brown of the stubble in the autumn fields, or the earth turned up by the farmer's plough in long furrows. The pine cone lacks, of course, the lovely color of California's golden poppies, the sheer beauty of Connecticut's mountain laurel, and the exquisite fragrance of Florida's orange blossoms. Yet is it not typical of Maine and her people? Like Maine's hardy pioneers it is not without beauty of a useful sort. It suggests our stern climate, our rugged soil, our sober, sensible people.

But nothing is lovelier than a pine cone fire with its spicy penetrating odor, in the keen air of the early autumn twilight as it gleams and glows like a living thing. So Maine's sons touched by the spark of patriotism, caught in the conflagration of war, went singing to their death and left behind them a fragrance and a memory that will linger long.

CHAPTER II.

STATE FLAG

For many years the State of Maine had no flag established under the authority of law. At one time the "Stars and Stripes" with the seal and arms of the state in the center of the union was most in use. During the Civil War a blue silk flag, conforming in size and trimmings to the United States regulation colors, blazoned with the arms of the State in the center of its field, was carried by the Maine troops.

The present flag was established by the Maine Legislature of 1909, Public Laws, Chapter 19, which reads as follows:

"Section 1. The flag to be known as the official flag of the State of Maine shall be of blue, same color as the blue field in the flag of the United States, and of the following dimensions and designs; to wit, the length, or height, of the staff to be nine feet, including brass spear-head and ferule; the fly of said flag to be five feet six inches, and to be four feet four inches on the staff; in the center of the flag there shall be embroidered in silk the same on both sides of the flag the coat of arms of the State of Maine, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, two and one-half inches wide, a cord, with tassels, to be attached to the staff at the spear-head, to be eight feet six inches long and composed of white and blue silk strands.

"Section 2. The flag of the State of Maine to be carried by the regiments of the National Guard of Maine shall be the same as the flag described in the first section of this act, with the addition of two scrolls in red, one above and one below the coat of arms of the State; in the upper scroll the inscription
Regiment Infantry, and in the lower scroll the inscription National Guard State of Maine."

Uniform Flag Law

"Sec. 1. The words flag, standard, color, ensign or shield, as used in this act, shall include any flag, standard, color, ensign or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.

"Sec. 2. No person shall, in any manner, for exhibition or display:

(a) place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign or shield of the United States or of this state, or authorized by any law of the United States or of this state; or

(b) expose to public view any such flag, standard, color, ensign or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached, appended, affixed or annexed any such word, figure, mark, picture, design, drawing or advertisement; or

(c) expose to public view for sale, manufacture, or otherwise, or to sell, give or have in possession for sale, for gift or for use for any purpose any substance, being an article of merchandise or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.

"Sec. 3. No person shall publicly mutilate, deface, defile, defy, trample upon, or by word or act cast contempt upon and such flag, standard, color, ensign or shield.

"Sec. 4. This statute shall not apply to any act permitted by the statutes of the United States or of this state, or by the United States Army and Navy regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted said flag, standard,

color, ensign or shield with no design or words thereon and disconnected with any advertisement.

"Sec. 5. Any violation of section two of this act shall be a misdemeanor and punishable by a fine of not more than fifty dollars. Any violation of section three of this act shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both fine and imprisonment, in the discretion of the court.

"Sec. 6. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 7. This act shall be construed as to effectuate its general purpose and to make uniform the laws of the states which enact it.

"Sec. 8. This act may be cited as the Uniform Flag Law."

(P. L. 1919, c. 158)

School Flags

"Superintendents of schools shall see that the flag is displayed from the public buildings on appropriate occasions. They shall report annually to the towns the amount necessary to furnish the public schools with suitable flags and flagstaffs and towns shall annually appropriate a sufficient amount to defray the necessary cost of the display of the flag. The appropriation for this purpose shall be separate from and additional to all other appropriations for schools. It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object and principles of our government, the great sacrifices of our forefathers, the important part taken by the Union Army in the war of eighteen hundred sixty-one to eighteen hundred sixty-five, and to teach them to love, honor and respect the flag of our country that cost so much and is so dear to every true American citizen."

(R. S. c. 16, s. 52)

Flag at Polling Places

"That the flag of our country shall be displayed in each polling place at every election; there to serve as a symbol of that responsible liberty which finds expression in the suffrage of a free people, and as an inspiring challenge to the youth of America and foreign born cit-

izen alike, who, in its presence execute the serious duties of citizenship. The secretary of state is hereby directed to furnish a copy of this resolution to the municipal officers of every city, town or plantation in the state."

(Res. 1919, c. 117)

CHAPTER III.

SEAL AND ARMS.

The following resolve providing for the seal and arms of the state of Maine was adopted June 9, 1820, by the first Maine Legislature:

"A shield, argent charged with a Pine Tree; a Moose Deer, at the foot of it, recumbent. Supporters; on the dexter side, an Husbandman, resting on a scythe; on sinister side, a Seaman, resting on an anchor. In the foreground, representing sea and land, and under the shield, the name of the State in large Roman Capitals, to wit:—

MAINE

The whole surmounted by a Crest, the North Star. The Motto, in small Roman Capitals, in a label interposed between the Shield and the crest, viz:—DIRIGO."

Explanation "The Moose Deer (cervus alces) is a native of the forests of Maine. When full grown, it is scarcely inferior to a horse in size. It has a neck, short and thick, a large head, horns dilating almost immediately from the base into a broad, palmated form, a thick, heavy upper lip, hanging much over the lower, very high shoulders and long legs. The color is a dark greyish brown, much paler on the legs and under part of the body. The hair is coarse and strong and is much longer on

the top of the shoulders, and ridge of the neck, than other parts. The eyes and ears are large, the hoofs broad and the tail extremely short. The greatest height of the Moose Deer is about seventeen hands, and the weight of such an animal about twelve hundred and twenty pounds. In deep snows they collect in numbers in pine forests.

"The Mast Pine (Americana, quinis ex uno folliculo setis) leaves five together, cones cylindrical, imbricated, smooth, longer than the leaves, crest of the anthers of two minute, awl-shaped bristles. It is as well the staple of the commerce of Maine, as the pride of her forests. It is an evergreen of towering height, and enormous size. It is the largest and most useful of American Pines and the best timber for masts.

Name "The territory, embraced by the limits of the State, bears the name Maine.

Crest "As in the Arms of the United States, a cluster of stars represents the States, composing the Nation, the NORTH STAR may be considered particularly applicable to the most northern member of the confederacy, or as indicating the local situation of the most northern State in the Union.

Motto " 'Dirigo' ": I Direct or I Guide. As the polar star has been considered the mariner's *guide* and *director* in conducting the ship over the pathless ocean to the desired haven, and the center of magnetic attraction; as it has been figuratively used to denote the point, to which all affections turn, and as it is here intended to represent the State, it may be considered the citizen's *guide,* and the *object* to which the patriot's best exertions should be directed."

THE SHIELD.

The Pine Tree "The stately Pine, with its straight body, erect head, and evergreen foliage, and whose beauty is exceeded only by its usefulness, while it represents the State, will excite the constant prayer of its citizens, *semper viridis.*

The Moose Deer

"A native animal of the State, which retires before the approaching steps of human habitancy, in his *recumbent* posture and undisturbed situation, denotes the extent of unsettled lands, which future years may see the abodes of successive generations of men, whose spirit of independence shall be untamed as this emblem, and whose liberty shall be unrestricted as the range of the Moose Deer.

The Supporters of the Shield

"An Husbandman with a scythe represents Agriculture generally, and more particularly that of a grazing country; while a Seaman resting on an anchor, represents Commerce and Fisheries; and both indicate that the State is *supported* by these primary vocations of its inhabitants."

PART II.

VOTING AND ELECTIONS IN MAINE.

CHAPTER I.

VOTING IN THE STATE OF MAINE.

Citizenship

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

Qualification of Voters

Every citizen who had the right to vote on the fourth day of January, eighteen hundred and ninety-three together with those who were sixty years of age and upwards on said day, and every citizen, excepting paupers, persons under guardianship, and Indians not taxed, who, not being prevented by physical disability from so doing, is able to read the constitution of the state in the English language, in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is twenty-one years of age or upwards, and shall have his residence established in this state for the term of three months next preceding any national, state, city or town election shall have the right to vote at every such election in the city, town or plantation where his residence is so established, and such right to vote at national and state elections in such city, town or plantation shall continue for a period of three months after his removal therefrom, if he continues to reside in this state during said period; provided, however, that his name has been properly entered upon the voting list of such city, town or plantation.

Voter claiming Exemption

Any applicant for registration as a voter, claiming exemption from the educational test recited in the preceding section, shall declare under oath, that he was a legal voter in this state on the fourth day of January. eighteen hundred and ninety-three, and, if required so to do, shall furnish such other reasonable evidence of the truthfulness of his statement as may be satisfactory to the officers whose duty it is to prepare voting lists.

CHAPTER II.

BOARDS OF REGISTRATION.

Appearance in person to Register

Every person whose name has not been entered upon the voting lists in any city in accordance with the provisions hereof, must, if he desires to vote, appear in person at a place provided for registration and prove that he possesses all the qualifications of a voter.

Boards of Registration

In each city of the state having three thousand or more inhabitants, a board of registration shall have exclusive power and authority to make up, correct and revise the list of voters. In all cities having less than three thousand inhabitants, the municipal officers shall make such list, exercising the same powers and being governed by the same laws as municipal officers of towns having five hundred or more registered voters.

The board shall consist of three members who shall be residents and legal voters of the city where the board is established; they shall not hold any state, county or city office or be candidates therefor, at any election, primary election or caucus so long as they shall continue members of the board. One member of the board shall be appointed and commissioned by the governor, by and with the consent of the council, for the term of four years. The other two members of the board shall be chosen one from the political party polling the highest number of votes for governor at the next preceding state election, and one from the political party polling the next highest number of votes for governor at said election; they shall each hold their office for the term of three years; each shall be nominated by the city committee of his own political party, and upon due notice thereof in writing, the several mayors of the cities shall forthwith appoint such persons, so nominated, members of the board.

Exclusive power to determine qualifications of voters

The board shall have the exclusive power and authority to hear evidence and determine the qualification of voters in the city in which it is established. The presiding officer, at the request of any member shall cause any party or witness appearing before the board to be sworn; any member of the board may administer oaths; and the board shall have power to compel the attendance of witnesses; to punish for contempt; and to issue all processes necessary to the performance of the duties of the board.

Assessors required to make true lists of all persons liable to pay poll-tax

The assessors of any city shall in the months of April and May in each year, visit every building in their respective cities and make true lists containing the name, age, occupation and residence on the first day of April in the current year, and his occupation and residence on the first day of April in the preceding year, or of his becoming an inhabitant after the last named day, of every person twenty-one years of age and upwards, residing therein and liable to be assessed for a poll-tax. They shall make correction of any error in the name or place of residence of a person assessed, on his personal application, and on proof of the same, shall make proper correction thereof on their books.

Assessors shall transmit lists to boards of registration

The assessors shall promptly on or before the first day of July in each year, transmit to the boards of registration, the lists so made, or certified copies thereof, noting therein every change of name or residence of persons assessed a poll-tax by them, and on or before the first day of July in each year, shall prepare street lists containing the name of every person assessed by them, or who has moved out of the city. Such lists shall be arranged by wards or voting precincts, if any. They shall prepare a copy of the street lists and deliver the same to their respective boards of registration on or before the fifteenth day of July.

Boards shall keep register of all voters

Boards of registration shall keep a general register of voters containing the names and records of all voters entered from year to year on the voting lists, giving the full christian name and the surname, date of registration, residence on the first day of April of the year of registration or on the day of his becoming an inhabitant after the first day of April, age, place of birth, occupation, place of occupation, how long resident of the city, place of casting his last vote, married or single, residence of wife or family, where naturalized, when naturalized, in what court.

Requirements made of applicant who is a naturalized citizen

In making examination of an applicant, who is a naturalized citizen, he shall be required, to produce for inspection his papers of naturalization, or a certificate of the same from the court where he was naturalized, and to make oath that he is the identical person mentioned therein.

Meetings of board shall be public; record of names added to or stricken from lists

All meetings of the board of registration shall be open and public, and shall close on each day at nine o'clock in the afternoon, except as hereinafter provided. A record shall be kept of all names added to or stricken from the voting lists and of all other proceedings of said board. No name shall be added to or stricken from said voting lists except during the open sessions of said boards.

Lists of voters

Boards of registration shall prepare ward lists of voters of such persons as appear to them to be legally qualified voters, at least thirty days before any election to be held for any purpose.

Session of boards

Boards of registration shall be in session from nine in the forenoon to one o'clock in the afternoon, and from three to five o'clock in the afternoon and from seven to nine o'clock in the afternoon, in cities of not less than nineteen thousand inhabitants, on each of the twelve secular days next prior to any election; on the first nine of the secular days, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the

latter three of the secular days, to enable the board to verify the correctness of the lists and to complete and close up its records of the sessions, and in cities of not less than thirty-five thousand inhabitants the board shall be in session the sixty secular days prior to any state or municipal election; on the first twenty of the days the boards shall be in session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three o'clock to five o'clock in the afternoon, and on the next ten secular days the boards shall be in session from nine o'clock in the forenoon to one o'clock in the afternoon and from three o'clock to five o'clock in the afternoon, and from seven to nine o'clock in the afternoon, to receive evidence and to determine the qualifications and rights of registration of voters therein, and to revise and correct the voting lists; and on the latter thirty of the sixty secular days the boards shall be in session to enable said board to verify the correctness of the voting lists and to close up the records of the boards, and to hear and determine the right of any person, whose right has been challenged, to have his name added to or remain on the list or be stricken from the same. In cities of not less than thirty-five thousand inhabitants registration prior to any presidential election shall be held during the days and hours fixed by this section for the registration of voters for the municipal election next following. And in all other cities, for the same purpose, and at the same hours on each of the five secular days next prior to any election, the first four thereof to be devoted to registration as above, and the last one of the secular days to enable the board to verify the correctness of said lists and to complete and close up its records of the sessions.

The wardens of cities shall be governed by the revised and corrected lists. No board of registration shall be answerable for any omission of a name or residence from the voting lists or for any error in the same, unless such name and residence are correctly entered in the general register of voters; but on the day of election the board shall be in session, and shall give to any registered voter whose name has been omitted from the voting list, or in whose name or residence as placed on the voting list a clerical error has

been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on the certificate and securely attach the certificate to the voting list.

Proceedings when any person's right to vote is challenged

When the right of any person to have his name placed upon such list is challenged by any qualified elector, or when the right of any person to have his name remain upon such list is so challenged, before the board shall add to or strike from the list the name of any such person, the board or any member thereof, shall issue a notice and summons to the person so challenged and allow him a reasonable opportunity to be heard. Such notice and summons shall be served upon such person by an officer qualified to serve civil process, by giving him in hand or by leaving at his last and usual place of abode, an attested copy of the notice and summons, at least six hours before the closing of the final session of the board devoted to the revision and correction of the voting lists. The person and the board may also summon and examine other witnesses before the board concerning his right to vote, and if it appears to the board that such person is not or will not be qualified to vote at such election, they shall cause his name to be erased from the list and not add it thereto. And the list of voters in cities shall state the street, and so far as practicable, the number of the street where each voter resides. The residence of a voter as stated upon the list of voters used at the last preceding election shall be deemed his last and usual place of abode, unless he shall have given notice in writing, over his own signature, or in person to the city clerk of a change of his residence, and which notice, if given after the first day of April, shall entitle him to have his residence so corrected on the voting list to be used at the next subsequent election, but shall not entitle him to have his registration otherwise changed, nor to vote in ward or precinct other than that in which he resided on the first day of April. The clerk shall keep a record of all notices of change

of residence, which record shall at all times be open to public inspection.

Notice of meetings

Notices of the time and place of the sessions of the board to revise and correct the voting lists, shall be given by the president thereof and posted by the clerks of the cities at the same time and place as are the certified copies of the lists of voters; and the voting lists as revised and corrected by the board of registration shall be used at each election held in the cities in the several wards.

Right of challenge

Any qualified elector in cities may challenge the right of any person to vote in any ward of the cities at any election held therein, and shall be given the opportunity by the presiding officer to make such challenge, and such presiding officer shall note the fact of such challenge upon the voting list used in such ward, and upon such ballot so challenged, witnessed by two election officers representing two different parties. But before permitting a person so challenged to vote the warden shall cause him to state his place and date of birth; occupation; place of business; whether married or single; if married the name and residence of his wife; how long a resident of the city, and where his last vote was cast; which answers shall be reduced to writing on blanks furnished for that purpose by the city clerk, and signed by the voter, whose signature shall be witnessed by two election officers representing two different parties. The warden shall promptly return all such records to the city clerk, and he shall keep them on file for public inspection for one year.

Where notices shall be posted

All notices of boards, assessors, city clerks or of any other public officer relating to registration of voters or to elections, shall be posted at or as near as may be to the places designated for receiving votes on election days.

Penalty, for false registration

Whoever causes his name to be registered knowing that he is not a qualified voter in the place where so registered, or falsely represents or attempts to represent himself as another person before any board of registration, or gives a false answer to said board concerning any matter relating to the registration of a voter, or the right of any person to vote, or aids or abets any other person in doing either of the acts above mentioned, shall for each offense be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

Penalty, if any city officer refuses or neglects to perform duty

Any city officer, who shall wilfully neglect or refuse to perform any duty required of him by law in matters relating to the registration of voters, shall for each offense be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Penalty, if a person registers falsely

Whoever causes his name to be placed upon the list of voters of more than one ward in any city for the same election, or causes any such act, or aids or abets any person in such act, shall be punished by a fine not exceeding one hundred dollars or by imprisonment, not exceeding one year.

Penalty, for making false statement

Whoever knowingly or wilfully makes a false affidavit, or takes a false oath, or signs a false certificate regarding the qualification of any person for the assessment of a tax or for registration, or injures or defaces any list of voters or any notice relating to the registration of voters in any city, or prevents or interferes with, or aids or abets any person in preventing or interfering with any public officer in the discharge of his duty relating to the registration of voters, shall for each offense be punished by a fine not exceeding three hundred dollars or by punishment in the county jail not exceeding one year.

CHAPTER III.

REGISTRATION BY TOWN OFFICERS

Assessors to prepare lists

In every town, where the selectmen are not assessors, the assessors on or before the first day of August in each year in which an election of governor, senators and representatives is held, shall prepare a list of the persons whom they judge to be constitutionally qualified to vote therein at such election and deliver it to the selectmen.

Selectmen to prepare correctsd lists

The selectmen of every town, on or before the eleventh day of August in every such year, shall prepare a corrected list of persons so qualified.

Sessions of selectmen to correct lists; notice

In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any such election, and for the correction of said list, for a reasonable time, on not more than two days, between the eleventh and eighteenth days of August in every such year, giving previous notice of the time and place of each session, as their town meetings are notified.

Lists to be deposited with clerk and posted

On or before the twentieth day of August in every such year, the selectmen shall deposit in the office of the town clerk, an alphabetical list of voters thus prepared and revised, and post a similar list in one or more public places in the town.

Names not to be added or stricken out

After such lists are thus prepared, deposited with the clerk, and posted, the selectmen shall not add thereto, nor strike therefrom, the name of any person except in open session on one of the days prescribed by law for receiving evi-

dence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters, the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

Selectmen, duties respecting papers of naturalization

When a person of foreign birth exhibits to the selectmen of his town papers of naturalization, issued to him in due form by a court having jurisdiction, they shall, if satisfied of their genuineness, and that such person is entitled to vote, approve such papers by a written indorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers, or to enter his name, be deprived of his right to vote, upon satisfactory proof.

Registration in towns

In all towns, cities not included, having five hundred or more registered voters, and in all cities having less than three thousand inhabitants, the municipal officers shall receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election, and no applications shall be received after the hour of five in the afternoon on the secular day next preceding the day of election; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list used at the last preceding election, and have been inadvertently omitted by the selectmen; and on that day no

change shall be made in names except to correct clerical errors therein.

In every town containing less than five hundred voters, the municipal officers shall be in session on the day of any such election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls as they think necessary, and shall hear and determine any such application at any time before the polls are closed.

Notice of sessions

The municipal officers shall order notice of the time and place of all their sessions required or authorized in the two preceding sections to be given in the warrant for calling the meetings for such elections.

List of voters

The selectmen shall make a correct alphabetical list of the inhabitants of their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post a copy thereof in one or more public places in such town, on or before the twentieth day of February, annually.

Selectmen's sessions to correct lists

They shall be in session at some convenient time and place to be by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the annual election in March, or on the morning of the day of election, to hear and decide upon the applications of persons claiming to have their names entered upon said list, and such session, when held on a secular day preceding the election, shall continue at least three hours, and when held on the day of election, shall continue until the election of town officers required by law to be elected by ballot, has been completed.

Check list to be kept for choice of town officers

The town clerk shall have the list of voters provided for by the two preceding sections, at evevery town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check list at the polls by said clerk or moderator at such meeting, if demanded by one-third of the voters present.

Penalty if clerk or moderator neglects or refuses

If the town clerk or moderator presiding at such meeting wilfully neglects or refuses to comply with the preceding section, he forfeits not less than fifty, nor more than one hundred dollars, to be recovered in an action of debt in the same and for the use of the town, to be prosecuted by the treasurer at the request of any voter therein.

Boards of registration shall notify officers of latter town

Whenever an applicant for registration, before any board of registration or the municipal officers of any town, acting as a board of registration, states his last voting place as a city or town in the State of Maine, and the board determines that the applicant is entitled to register, it shall immediately notify by mail the board of the city or town where such person last voted, of such registration and the board, receiving such notice, shall at its first meeting strike from its list the said name, if satisfied as to the identity of the person.

CHAPTER IV.

NATURALIZATION.

Courts

The following courts have the power to naturalize aliens: United States District Courts in the states and territories; also all courts of record in any state or territory having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The power to naturalize is limited to persons residing within the geographical limits of the respective courts.

Who may be naturalized

An alien, white, or of African nativity or descent, is required, if he desires to become naturalized, to file a declaration of intention in the clerk's office of a court having jurisdiction, and such declaration may not be filed until the alien has reached the age of 18. This declaration must contain information as to the name, age, occupation, time and place of arrival in the United States and must further show it is the declarant's bona fide intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to the one of which he may at the time be a subject or citizen.

The widow and children who are under age at the time that an alien who has made his declaration of intention has died without having secured a certificate of naturalization, are exempted from the necessity of filing a declaration of intention.

Filing intentions

Not less than two years after an alien has filed his declaration of intention, and after not less than five years' continuous residence in the United States, he may file a petition for citizenship in any of the courts which has jurisdiction over the place in which he resides, provided he has lived at least one year continuously, immediately prior to the filing of such petition, in the state or territory in which such place is located. This petition must be signed by the

petitioner in his own handwriting and shall give his full name, place of residence, occupation, place of birth and date thereof, the place from which he emigrated, and the date thereof, the date and place of his arrival in the United States. If such arrival occurred subsequent to the passage of the act of June 29, 1906, he must secure a certificate from the Department of Labor showing the fact of such arrival and date and place thereof, for filing with the clerk of the court to be attached to his petition. If he is married he must state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing of his petition, and if he has children, the name, date and place of birth and present place of residence of each living child. The petition must set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government, that he is not a polygamist or a believer in the practice of polygamy, and that he absolutely and forever renounces all allegiance and fidelity to any foreign country of which he may, at the time of filing such petition, be a citizen or subject. This petition must be verified at the time it is filed by the affidavit of two credible witnesses, who are citizens of the United States and who shall state that they have known the petitioner during his entire residence (not exceeding five years) in the state in which the petition is filed, which must be not less than one year, and that they have known him to be a resident of the United States continuously during the five years immediately preceding the filing of the petition; that during such time he acted as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. If a portion of the five years has been passed by the petitioner in some other state than that in which he resides at the time of filing his petition, the affidavit of the witnesses may verify so much of the petitioner's residence as has been passed in the state (not less than one year) and the portion of said five years' residence out of the state may be shown by depositions at the time of hearing on the petition.

No petition may be heard until the expiration of at least ninety days after it is filed nor within thirty days preceding a general election. At the hearing upon a petition, which shall be at a date fixed by order of the court, the witnesses are required to again attend and testify in open court so that the judge or judges thereof may be satisfied that the petitioner is qualified and that he has complied with all the requirements of the law.

Naturalization of married women

Any woman who is now or may hereafter be married to a citizen of the United States and who might herself be lawfully naturalized, shall be deemed a citizen.

An alien woman becomes a citizen of the United States when her husband is naturalized.

An American woman who marries, or has married since 1907, a foreigner takes the nationality of her husband. At the termination of the married relation, if residing in the United States, by continuing to reside therein, she resumes her American citizenship; if abroad, when the marriage relation terminates, by registering as an American citizen within one year with a consul of the United States or by returning to reside in the United States, she may resume her American citizenship.

An American woman who married a foreigner prior to 1907 retained her citizenship so long as she remained in this country.

Foreign women acquiring American citizenship by marriage to an American, retain such American citizenship after the termination of the marital relation if continuing to reside in the United States, unless making formal renunciation thereof before a Court having jurisdiction to naturalize aliens. If she resides abroad she may continue her citizenship by registering as such before a United States consul within one year after the termination of such marital relations.

Inasmuch as no person can be a citizen of two countries and the wife is by law a citizen of her husband's country, it follows that an alien wife of an alien although dwelling in this country

and otherwise qualified cannot be naturalized. There is considerable agitation, especially among women, concerning the loss of citizenship upon marriage to a foreigner. A bill is now pending before Congress (January, 1921) to allow American women to remain American citizens after marriage to a foreigner if they so desire or elect.

Citizenship of children

A child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization or resumption of American citizenship by the parents, if such naturalization or resumption takes place during the minority of such child.

Minor children of foreign parents whose mother after the death of the father marries a citizen of the United States, become citizens.

Children born out of the limits of the United States whose fathers were at the time of their births citizens thereof, are citizens of the United States.

Citizenship of Indians

Every American Indian who served in the military or naval establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property.

CHAPTER V.

NOMINATIONS BY PRIMARY ELECTIONS.

All nominations of candidates for any state or county office, including United States senator, member of congress and member of the state legislature, shall be made at and by primary elections. Every political party entitled by law to representation upon the official ballot shall nominate all its candidates for such offices at primary elections, parties means such parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for governor.

State convention

Not less than sixty nor more than ninety days before the third Monday in June of each year in which a state election is held biennially, the political parties aforesaid shall each hold a state convention. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state election then next ensuing, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine.

City and town committees, election and tenure

All the city, ward, town, plantation and representative class committees of the political parties aforesaid shall be elected in such manner and with such tenure of office and duties, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

CHAPTER VI.

PRIMARY NOMINATION PAPERS.

Nominations for places on the ballots to be used at primary elections shall be made for each of the political parties entitled to representation thereon by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than one per cent nor more than two per cent of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States senator, otherwise not less than one per cent nor more than two per cent of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates state the name of the office for which he is the proposed candidate; the political party which he represents; and his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person, and in such cases only to the extent of such number. One of the signers of each separate paper, or the person circulating the same, shall make oath thereon, or by certificate of oath annexed thereto, that he believes the signatures are genuine and that the persons signing are members of the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The state at large shall be con-

sidered an electoral division provided, that nothing shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than ten per cent of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for.

The filing of nomination papers

Nomination papers shall be signed before the first day of January of the year in which a primary election is to be held and all such nomination papers shall be filed with the secretary of state on or before the third Monday in April of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and if elected at the state election, to qualify as such officer.

Nominations for United States senators

Whenever one or more United States senators are to be elected at the biennial state election held on the second Monday of September, the nominee or nominees for such office or offices, of each political party, shall be chosen at the primary election held on the third Monday in June preceding. Where but one United States senator is so to be elected, the nomination papers and official ballot shall specify simply the office of United States senator. When, however, two United States senators are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated.

Date of primary election and warrant

Not less than seven days before the third Monday of June preceding a biennial state election, the selectmen of every town, by their warrant, shall notify and warn all legally qualified voters to attend at the regular voting places on the third Monday in June for the purpose of voting for persons to be nominated by their respective political parties as candidates to be voted for on the second Monday in September then next ensuing.

Qualification and enrollment of voters

In all such primary elections the qualifications of voters in towns and cities of any size shall be determined by the lists of voters used at the municipal elections in said towns and cities next preceding the primary election. In plantations the qualifications of voters, as aforesaid, shall be determined by the lists of voters used therein at the last preceding state election.

Nominations by petition

Nominations of candidates for any office to be filled by the voters of the state at large, may be made by nomination papers signed in the aggregate for each candidate of no less than one thousand qualified voters. Nominations of candidates for electoral districts, municipal or ward offices may be made by nomination papers signed in the aggregate for each candidate by not less than one for every one hundred persons who voted at the next preceding gubernatorial election, but in no case less than twenty-five.

First election in new voting district

In the case of a first election to be held in a plantation, town or ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town or ward; and in the case of a first election in a district or division newly established other than a plantation, town or ward, the number of twenty-five shall be sufficient.

Signature in person

Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more.

Contents of certificates and nomination papers

All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, first, the office for which he is nominated; second, the party or political principle which he represents, expressed in not more than three words; third, his place of residence. In the case of electors of president and vice-president of the United States, the names of the candidates for president and

vice-president may be added to the party or political appellation.

Vacancies

In case a candidate who has been duly nominated shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, or, if the time is insufficient, then the vacancy may be supplied, if the nomination was made by a convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying any vacancy, shall state, in addition to the other facts required, the name of the original candidate proposed or the original nominee, and the facts causing the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be.

CHAPTER VII.

RETURN OF VOTES AND INSPECTION OF BALLOTS.

RECORD TO BE CORRECTED TO CONFORM WITH FACT.

The secretary of state shall furnish blanks for all voting places on which to make the returns required hereunder. The names of the candidates shall be printed thereon substantially as in the nominating ballot and in the space made for the purpose following each name shall be there entered the number of votes received in that polling place by each candidate. The ballots shall be sorted and the result declared in open plantation, town and ward meetings. Such record shall be separately made for the political parties respectively having proposed nominees upon the ballot and shall give the number of votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties, officers and nominees thereon, so as to give the detailed result of such voting. Returns thereof shall be attested by the selectmen and town clerk in towns, and by the assessors and clerk in plantations, in like manner as at the biennial election for governor. Such clerks shall cause the returns aforesaid to be delivered at the office of the secretary of state, by mail or otherwise, within seven days after such primary election. In cities, the warden shall preside, as required by law at state elections, receive the votes of all qualified voters present, and, as herein required in case of town meetings, sort, count and declare the results in open ward meetings, and in the presence of the ward clerk, who shall make return and a record thereof, as in towns, and a fair copy of the record shall be attested by the warden and the ward clerk, sealed up in open ward meeting and delivered to the city clerk, within twenty-four hours after the closing of the polls. And the aldermen of each city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the

city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record and return thereof shall be made into the office of the secretary of state in the same manner as selectmen of towns are required to do hereunder.

The clerk of each city, town or plantation shall permit any candidate or his agent to inspect the ballots cast at any primary election after the same have been returned to him, under such reasonable regulations and restrictions consistent with the right of inspection as will secure every ballot from loss, injury or change in any respect. Such inspection shall be permitted only after written notice by the clerk to the town or ward officers who signed the returns of the election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at the inspection. After each inspection the packages shall be again sealed and the fact and date of inspection noted on the package. Upon written application filed with the secretary of state within ten days after the returns are opened and tabulated, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town, and specifying the offices as to which such errors are believed to have occurred, the secretary of state shall direct such clerk to forward to him forthwith the ballots cast in the town. The governor and council in open meeting shall examine the ballots cast in the town, and return to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in the town; but no such examination of the ballots shall be made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto.

Canvass of returns

The governor and council by the first Tuesday of July in each year in which a primary election is held hereunder, shall open and compare the

votes so returned hereunder, and have the same tabulated, and forthwith thereafter have forwarded to each candidate a copy of the tabulations of his precinct or district, and may receive testimony on oath to prove that the returns from any city, town or plantation does not agree with the record of the vote of such city, town or plantation, in the number of votes or the names of the persons voted for, and to prove which of them is correct; and the return, when found to be erroneous, may be corrected by the record. No such correction can be made without application within fourteen days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during the fourteen days any person voted for may personally, and by or with counsel, examine the returns in the presence of the governor and council, or either of them, or any member of the council, or the secretary of state. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided, that when a tie shall exist between two or more persons for the same nomination by reason of the two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the secretary of state shall give notice to the several persons so having the highest and equal number of votes to attend at the office of the secretary of state at a time to be appointed by said secretary, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party with like effect as if there had been no such tie.

Candidate to file acceptance and expense account

Every candidate so nominated and notified as aforesaid, shall within seven days after the receipt of such notification, send to the secretary of state, by registered mail the following acceptance:

To the Secretary of State:

I, ... of .....
hereby accept the nomination to the office of ..... made at the primary election June ....., 19 .

.....

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof.

Return of expenditures

Each candidate, so nominated, shall, with such acceptance, send to the secretary of state a return of expenditures by him subscribed and sworn to. The returns aforesaid shall be open to public inspection for one year and then be destroyed. The failure of any candidate to file a return within the required time shall render his nomination void.

Penalty for bribery

No person, firm or corporation shall directly or indirectly or by any device whatsoever pay any sum, or incur any liability, to procure or to aid in the procurement of the nomination of any candidate so to be voted for as aforesaid at any primary election without the knowledge and consent of such candidate. Whoever violates the provisions of this section forfeits five hundred dollars to be recovered by indictment.

Expenses limited

The expenditures to be made, and liabilities incurred, for which returns are to be made as hereinbefore provided, shall not exceed in amount for each candidate the following: In case of nominations for any office to be filled by the voters of the state one thousand five hundred dollars, for members of congress five hundred dollars, for state senators and county officers one hundred and fifty dollars for each ten thousand votes cast for governor within the county at the last preceding gubernatorial election or fraction thereof, for members of legislature in representative districts having three representatives or more than one hundred dollars, in other repre-

sentative districts fifty dollars, for United States senator one thousand five hundred dollars. Whenever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the secretary of state, after complaint, notice and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the secretary of state shall be deemed to be a withdrawal of such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.

How vacancies may be filled

In case any candidate, except for the United States senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, or shall forfeit his nomination by failure to accept, or to file return as provided hereinbefore, the vacancy may be supplied by the political party of such nominee by any convention of delegates or appropriate caucus, or, if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation or representative class committee, as the case may be, of such political party. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section thirty-five of the Revised Statutes.

CHAPTER VIII.

CAUCUS.

Enrollment required

No person shall take part or vote in any caucus of any political party unless qualified therefor by enrollment as hereinafter provided.

New enrollment

Any person who is a legal voter may enroll himself as a member of any political party by filing with the clerk of the town of which he is a legal voter a declaration in writing, signed by him, substantially as follows: "I, , being a legal voter of , hereby elect to be enrolled as a member of the party. The following statement of name, residence, place of last enrollment if any, and party of last enrollment, if any, is true." A new enrollment may be made at any time, but the person making such new enrollment shall not vote in any political caucus within six months thereafter if he designates a different political party from that named by him in the preceding enrollment.

Clerk shall record enrollment

The clerk of the town where the enrollment is made, as above provided, shall receive and file the same, indorsing thereon the date of filing, and shall record the name, residence, place of last enrollment and date of filing, in a separate book for the enrollment of members of each political party, entering the names alphabetically.

Votes shall be by ballot

All votes for the election of delegates to any political convention for the nomination of a candidate for any public office shall be by ballot, written or printed, on plain paper.

Restrictions on voting

No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in any one caucus, nor shall he vote or offer to vote in any one caucus held in any caucus district in which he shall not

at the same time be a legal voter. No person shall vote or offer to vote in any caucus where candidates or delegates are to be chosen, if he has already voted at the caucus of any other political party in the past six months.

Oath to be taken by challenged voters

No person whose right to vote is challenged shall be allowed to vote until he shall have taken the following oath, which shall be administered by the chairman of the caucus: "You do solemnly swear that you are a qualified voter in this town or ward, and have the legal right to vote in this caucus; that you are a member of the political party holding the same and intend to vote for its candidates at the election next ensuing, and that you have not taken part or voted at the caucus of any other political party in the six months last past." The secretary of the caucus shall make a record of the administration of such oath.

Notices of caucuses

Notice of caucuses, signed by the chairman and secretary, or by a majority of the committee shall be issued by each town committee not less than seven days prior to the day on which the caucuses are to be held. They shall be conspicuously posted in at least five places on the highways of each voting precinct, and shall state the place, day and hour of holding such caucuses. In case voting is by check list a sufficient time shall be allowed for all to vote, and the call for the caucus shall state the hours fixed by the committee for the opening and closing of the polls.

Check lists, use of

Voting lists as used in the election next preceding any caucus, shall be used as check lists, at such caucuses, if the town committee shall so determine and provide in the call, and such committee shall be required to provide for the use of such list upon written request filed with the chairman or clerk of the committee, at any time before the call is posted, of voters of the party, to the number of not less than twenty in towns of two thousand and not exceeding five thousand inhabitants; and of not less than fifty in towns of five thousand or more inhabitants, according to the last official census of the United States.

CHAPTER IX.

RIGHTS OF WOMEN AND MINORS.

Property Rights

A married woman has the sole control of her separate property in Maine, such separate property consisting of whatever she possessed before marriage or she became possessed of after marriage unless purchased with her husband's money or coming from him so as to defend him from his creditors. She cannot convey property which she acquired through her husband, or his relations unless he joins in the conveyance. She may engage in trade as a public merchant and her property is liable for her contracts, but the property of her husband is not liable for such contracts unless he profited thereby or joined in the obligation. The survivor is entitled to one-third of the real estate, if there are children, and if there is no issue, then to one-half.

Inheritance Tax

There is an inheritance tax on property passing to husband, wife, ancestor, descendant, son-in-law, daughter-in-law, of one per cent on amounts up to $50,000, and $10,000 is exempt to husband, wife and minor child. Property which shall pass to a brother, sister, uncle, aunt, nephew, niece or cousin of a decedent, shall be subject to a tax of four per cent on bequests in excess of $500 and not exceeding $50,000. Property passing to any others shall be subject to a tax of five per cent of value not exceeding $50,000.

Women's Hours of Work

No female shall, except in cases of emergency or extraordinary public requirement, be employed or permitted to work for more than six hours continuously at one time without an interval of at least one hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half-past one o'clock in the afternoon and if she is then dismissed for the remainder of the day.

Seats must be provided for women working in mercantile establishments, hotels, restaurants, etc.

Employment of Minors

Minors under fourteen are prohibited from working in mills, factories and mercantile establishments, or at any gainful occupation during school hours. Minors under sixteen being so employed must produce a school certificate showing they can read and write simple English sentences. Minors under sixteen are prohibited from working in places dangerous to life, limbs and morals. The guardianship of children is due equally to the mother and father

Hours of Employment

No male minor under sixteen years of age, and no female shall be employed more than fifty-four hours in a week. No minor under sixteen years of age shall be employed or permitted to work before the hour of six-thirty o'clock in the morning, or after the hour of six o'clock in the evening of any one day.

PART III.

LOCAL GOVERNMENT

CHAPTER I.

TOWN GOVERNMENT.

The towns are all incorporated under uniform state laws. There are 434 organized towns in Maine. The town meeting, at which all citizens with a voting residence have a voice, is the legislative body and is an example of the purest form of democratic government. At the town meeting are chosen the officers of the town, money is raised and appropriated for town business. The chief officials are the selectmen, whose number may be three, five or seven, the town clerk, treasurer, collector of taxes, the road commissioner, school committee, superintendent of schools, who serves for several towns, and the board of health.

In Maine the town absorbs most of the functions of local government. In the statutes, the word town includes cities and plantations unless the contrary is expressed or implied, and the term municipal officer includes not only the selectmen of towns, but also the mayor and aldermen of cities and the assessors of plantations.

The inhabitants of each town are a body corporate, capable of suing and being sued, and with the right of appointing attorneys and agents. The act of incorporation by the legislature defines the boundaries of the town, and the boundaries may be subsequently changed by the legislature with or without the consent of the town.

Town meeting

The legal body of the town is the town meeting, in which every qualified voter is entitled to participate. The town meeting chooses all the elective officers, raises and appropriates money and makes regulations for the conduct of all town business. The regular town meeting is usually held in March, but special meetings may be called from time to time as occasion requires. The call for the meeting is in the form of a warrant drawn up by the selectmen and posted by a constable in some public place in the town. The warrant specifies the various items of business to be performed, and only such matters as are

stated in the warrant can be considered and acted on by the meeting. The warrant must be posted at least seven days before the meeting is called. The town meeting is called to order by the town clerk, who reads the warrant. Next in order is the choice of a moderator. A town clerk is then chosen. The articles of the warrant are then taken up one by one, the election by ballot of the town officers being the first business in order.

Selectmen The executive officers of the town are the selectmen, usually three in number, chosen by ballot. They have charge of money voted by the town for particular or general purposes, and have oversight of the buildings and other property of the town. If the town does not elect assessors of taxes and overseers of the poor, the selectmen may perform the duties of those officers. They prepare a list of registered voters and act as supervisors of elections. They license auctioneers, etc., locate ways and bridges, and grant the use of the town ways to railroad and other companies. Any duties not by law devolved upon some other officer of the town may be performed by the selectmen.

Town clerk The town clerk is the recording and registering officer of the town. He issues licenses and permits, and keeps a record of marriages, births and deaths.

Assessors The valuation of real and personal property of the town and the assessment upon individuals and corporations of their proportion of the annual tax, is entrusted to a board of assessors.

Colletcor When the assessment is completed, the list is committed to the collector, whose duty it is to collect the tax.

Treasurer The treasurer receives all the money collected by the town, and pays it out on orders from the selectmen.

Road Commissioner For the care and maintenance of roads and bridges, the town may elect a road commissioner, to hold office for one year and to have entire charge of the repairs of highways and bridges. If the town fails

to elect a road commissioner, the money raised for ways and bridges is expended under the direction of the selectmen.

Schools

The schools of the town are under the control of a superintending school committee, who are elected by the town. The management of the schools and the custody and care of the school property of the town are devolved upon the superintending school committee. The members of the committee are three in number, and are elected by the town for three years, the terms of office being so arranged that one member retires annually.

The executive officer of the committee is the superintendent of schools. The superintendent may be chosen at the town meeting, or may be appointed by the committee. Towns having not less than twenty-five nor more than fifty schools may unite in the employment of a superintendent, the state in such case making an additional grant for salary. Superintendents chosen by a union of towns must devote all their time to the duties of their office. The term of office of the superintendent, whether for a town or for a group of towns, is one year. The superintendent is secretary of the committee, and makes all reports and returns relating to the town schools which are not by law required to be made by the committee. He is expected to supervise and direct the method of instruction and discipline, and act in general as the educational leader of the community. He is required to visit each school at least twice each term. The annual school census is taken under his direction.

Text-books and supplies are provided by the town without cost to the pupils. The selection of books rests with the committee and superintendent. The building and repair of schoolhouses are under the direction of the committee, and the fixings of sites for school buildings requires their approval. The minimum length of the school year is fixed by statute at twenty weeks, but any town may, and many do, provide for the maintenance of schools for a longer period.

The public schools are open to all persons between the ages of five and twenty-one years; every child between the ages of seven

and fourteen, inclusive, shall attend some public day school during the time such school is in session; provided that necessary absence may be excused by the superintending school committee or superintendent of schools, or teacher acting under direction of either. Such attendance shall not be required if the child obtains equivalent instruction, for a like period of time, in an approved private school. A child absent without excuse six or more consecutive sessions during any term, is regarded as an "habitual truant," and may be arrested and taken to school, the persons responsible for the absence being also liable to prosecution.

While the general provisions of law regarding schools apply to cities as well as to towns, the special provisions of the city charter create numerous exceptions. School committees in cities are usually larger than those in towns, and are elected sometimes from wards, sometimes on a general ticket, the former being the prevailing method.

The provision of schools in unincorporated places is devolved upon the State superintendent, who may establish schools or send children to schools in adjoining places. The expense is met, first, from the income of the reserved fund of the township, and second, from the proceeds of a per capita tax of twenty-five cents on each inhabitant of the township. If these resources are insufficient, the remainder is provided for out of a regular state appropriation. Persons of school age, living at any light station not embraced within the limits of any school district, are admitted without tuition charge to any public school in the State.

Minor Town Officers

Besides the foregoing officers of the town, a considerable number of other officers may be chosen at the town meeting. Among these are:

Truant Officer

Elected by school committee to enforce attendance at school. Now designated by law as "probation officer." One or more in each town.

Fish and Game Warden

Any town in which there is a lake or pond stocked by the state may elect an inland fish and game warden with all the powers of other inland fish and game wardens.

Inspector of Milk

In towns of not less than three thousand inhabitants, and in towns of less than that number on application of ten voters therein, the municipal officers shall appoint annually one or more persons to be inspectors of milk, cream, butter and all other dairy products.

Inspector of Buildings

His duty is to inspect buildings under process of construction or repair to insure against fire and other dangers. Elected annually in towns of more than two thousand inhabitants and in towns of less if voters so decide.

Harbor Master

Towns may appoint on request. He shall keep open channels for passage of vessels in waterways of his town, establish boundary lines of such channels and assign mooring and anchorage privileges.

Port Warden

Elected in any town situated on navigable waters, upon petition of ten or more citizens engaged in commercial pursuits therein. His duty is to inspect upon request cargoes of arriving vessels, noting extent of any damage, condition of vessel, etc.

Inspector of Flour

Municipal officers may appoint one or more. Upon request of buyer or seller he inspects flour offered for sale to ascertain its soundness.

Inspector of Leather

Municipal officers may, when they deem it expedient, appoint one or more suitable inspectors of sole leather. They shall, when requested, inspect any sides of sole leather which have not been inspected in this state according to law.

Fire Wardens

Selectmen are forest fire wardens in their towns.

Road Commissioner

Not more than three in a town. Chosen by selectmen.

Fence Viewers

Have jurisdiction of fences and ditches. Two or more elected in each town at annual meeting.

Constable

The peace officer of the town. His duty is to arrest violators of the law and to execute writs and warrants.

Sealer of Weights and Measures

Appointed annually by municipal officers. Must inspect and seal or condemn weights, measures, balances and measuring devices. Makes annual report to state sealer.

Surveyors of Logs

Surveyors of logs may, upon request, inspect, survey and measure all mill logs floated or brought to market or offered for sale in their towns.

Surveyors of Wood and Bark

Towns may regulate measure and sale of wood, coal and bark therein and location of teams hauling same. In such case a sworn measurer measures and certifies.

Weighers of Coal

On request of purchaser coal shall be weighed by a sworn weigher unless it is sold by the cargo.

Surveyors of Clapboards

One or more in each town. Must survey and measure all shingles and clapboards offered for sale and brand quality on hoop or band of bundle.

Culler of Staves

All staves packed for sale or export must be viewed or branded by an officer elected for that purpose and a certificate thereof given by him. One or more in each town and two or more in towns having ports of delivery.

Surveyors of Lumber

All boards, plank, timber and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof. If he has doubts of the dimensions, he must measure and mark contents thereon.

Pound Keeper

His duty is to round up cattle and other animals which are trespassing or at large in violation of law.

Overseer of Poor

In charge of relief for all destitute persons in town.

Powers of the town

The powers of the town are regulated by statute, most of the regulation, taking the form of general laws. As a municipal corporation it may receive gifts or bequests in trust for benevolent, educational, or religious purposes.

Plantation

The plantation is a rudimentary town and has all the essential machinery that towns possess, but in a simplified form. Plantations may be organized for school purposes alone. The officials are the same as for towns except that three assessors take the place of selectmen. There are sixty-four of these plantations in Maine.

Unorganized Township

There is in Maine in addition to cities, towns and plantations, another local unit called an unorganized township, which is sometimes con-

fused in the popular mind with the plantation. It is, however, entirely distinct and as the name suggests is without a local form of government and consequently with no local officials and no local taxation. Many of these townships have a population of considerable size and have schools and roads. The schools come under the direct supervision of the State Department of Education while the roads are under the direction of the county commissioners. The unorganized townships occupy about one-half of the area of the state, or to be more exact, forty-seven per cent. There are 376 unorganized townships in Maine, fourteen other smaller unorganized divisions and one hundred and forty-three islands not a part of any municipality.

CHAPTER II.

CITY GOVERNMENT.

Government of the city

Cities are formed, whenever the people of the town desire it, with the consent of the legislature. There were twenty cities in the State of Maine January 1, 1921. The act of the legislature incorporating a city is called its charter. The charter is drawn up by a committee and presented to the legislature, the consent of the town having been previously given in a town meeting. The charter defines the boundaries of the proposed city, outlines its form of government, and provides for putting the new government into operation. When the charter has passed the legislature, it is submitted to the people of the town for acceptance or rejection. The form of government and method of administration of the city is laid down in its charter. The charter, therefore, stands as the fundamental law for the city. City government is representative government, while town government is popular government. The governing body of the city is usually the aldermen, common council, and the mayor, who are elected by the people. The number of aldermen varies from five to ten, the number of councilmen being either two or three times as many. For electoral purposes, each city is divided into wards, which are numbered. Each ward elects one alderman, and if there be also a common council, either two or three councilmen.

The powers and duties of the aldermen and council embrace the oversight and direction of all the affairs of the city. They comprise most of the powers and duties of towns, including those exercised by selectmen. The most important powers naturally, are those over taxation and finance; but the aldermen and council share with the mayor considerable powers over appointments to office and the granting of privileges and franchises. For the more systematic performance of its duties each body chooses a presiding

officer and clerk, and commonly appoints from its own number various committees, each of which is given special oversight of some department of the municipal business. Matters brought before the aldermen and council go through a procedure similar to that through which a bill passes in the legislature, but the votes are generally spoken of as orders, resolutions, or ordinances.

Mayor

At the head of the executive department of the city government is the mayor, who is elected annually by popular vote. He usually has the right of appointing a number of officials, among them the heads of the fire and police departments, but his appointments generally require the confirmation of the board of aldermen. Measures passed by the aldermen or common council require his approval and he may veto them.

Commission Plan

One city in Maine (Gardiner) has the commission plan of government. The plan involves the concentration of full responsibilities upon a limited council, three in number, elected at large, and thereby responsible to the entire electorate of the city. It provides for the election of the councilmen-at-large. Each member of the commission is in charge of one of the departments, such as police, public works, and so on.

City Manager Plan

Another city (Auburn) is under the city manager plan. The city manager plan of municipal government means government by a single elective council or commission representative, supervisory, and legislative in function; and a chief executive called a "city manager" appointed by the commission solely by reason of his knowledge of municipal affairs and administrative ability, to have control of the work of administrative departments.

The executive officers associated with the mayor are the treasurer and collector, auditor, city physician, chief of police, assessors, chief of the fire department, overseers of the poor, board of health, and inspectors. The city solicitor is the legal adviser of the city and its representative in the courts, while the registration of voters is intrusted to a board of registration.

The judicial part of the city government is represented by the

municipal court. The municipal court is created by special act of the legislature, which also defines the jurisdiction of the court and its duties so far as these are not provided for by general laws. The judge of the court is appointed by the governor and council and holds office for four years.

CHAPTER III.

COUNTY GOVERNMENT.

The county is the intermediate organization between the state government and the cities and towns. The boundaries of a county are determined by law, and every portion of the state is in some county. A town or city is chosen as the shire town or county seat, and here are erected the buildings necessary for the conduct of county business, the court house and the jail.

County Commissioner

The administrative functions of the county are exercised by the county commissioners. They are three in number, and are elected for a term of six years. It is arranged so that one member is elected every two years. The commissioners make estimates on the amount of money necessary to carry on the county business; see that taxes are assessed to provide these funds and have supervision of their expenditure. They have authority to lay out new roads and determine their location under certain circumstances, and in unincorporated townships have general charge of all roads. In some cases they sit as a court of appeal where land damage for public work is in dispute.

Treasurer

The county treasurer, chosen every two years by popular vote, has the care of the money of the county, much as the treasurer of the town has the care of the money of the town. Most of the county receipts come from the towns, who pay county taxes to the treasurer, and from the sheriff and clerk of courts, who are required to turn over to the treasurer the proceeds of fines and other legal charges received by them. As the duties of the treasurer thus touch both the financial and the judicial side of the county business, he makes reports to both the attorney-general and the state treasurer.

Judge of Probate

The judge of probate is elected by popular vote (and is the only judge not appointed by the gov-

ernor) and serves for four years. The judge of probate deals with the administration and settlement of estates of deceased persons and bankrupts. They also have certain duties in relation to orphan children.

Register of Probate

The register of probate is elected for four years. There is one register for each county. It is the duty of the register to keep a record of all business which comes under the jurisdiction of the probate court.

Register of Deeds

The register of deeds is elected for four years. He is charged with the duty of recording all deeds in the transfer of property and also records of all mortgages and attachments. The counties of Aroostook and Oxford have two registers of deeds, as each county is divided into two districts.

Clerk of Courts

The clerk of courts is elected for a term of four years. He keeps all court records and papers, and is also clerk for the county commissioners. He keeps a true and exact account of all moneys which he receives, or is entitled to receive, for services by virtue of his office, and pays the same to the county treasurer. He must furnish to the attorney-general full copies of all cases described in section forty-six of chapter eighty-two of the Revised Statutes, in which the state is a party, thirty days before the session of the law court for that district. When the papers in such cases are not filed more than thirty days before such session, they shall be furnished by the secretary of state in a suitable book; and such record, and also copies thereof duly attested by him, are legal, but not conclusive evidence of the due appointment and qualification of all such officers. He also records in a book kept for that purpose, properly indexed, certificates of discharge of soldiers and seamen from the army and navy of the United States; certified copies from such record, when the originals are lost, shall be evidence in court, and in the absence of other proof, have the same effect as the originals.

After the rendition of final judgment or decree in any civil case at law or in equity, the clerk makes such record thereof as the

court by general rule or special order may direct. If either party, however, files a request and tenders the fees therefor, a full extended record shall be made. The supreme judicial court may establish the form of such full extended record.

County Attorneys

The county attorneys are elected by popular vote and hold office for two years. None but a permanent resident of the county shall hold such office, and removal therefrom vacates the office. The county attorney in each county shall appear for the county, under the direction of the county commissioner, in all suits and other civil proceedings in which the county is a party or interested, or in which the official acts and doings of said county commissioners are called in question, in all the courts of the state, and in such suits and proceedings before any other tribunal when requested by said commissioners. All such suits and proceedings shall be prosecuted by him or under his direction. Writs, summonses, or other processes served upon the county or said commissioners shall forthwith be transmitted by them to him. The county commissioners may employ other counsel if in their judgment the public interest so requires. For the services herein mentioned the county attorney shall receive no compensation other than the salary from the state, except actual expenses when performing said services, the same to be audited by the county commissioners and paid from the county treasury. This section, however, shall in no way relate to or give the county attorney control of litigation in which the county is not financially interested although the official acts and doings of the county commissioners may be called in question.

The county attorney attends all criminal terms held in his county, and acts for the state in all cases in which the state or county is a party or interested, and in the absence of the attorney-general from a term in the county, performs his duties in state cases under directions from him, in the county, and he appears and acts for the state with the attorney-general, in the law court, in all cases coming into said court from his county; but no additional compensation shall accrue to the county attorney by the discharge of such duties.

He enforces the collection and payment to the county treasurer, of all fines, forfeitures and costs, accruing to the state, and the faithful performance of their duties by sheriffs, coroners and constables, and gives information to the court of their defaults in this respect.

Sheriff

The sheriff is chosen for two years by popular vote. His duties include both criminal and civil business. He has charge of the county jail. The sheriff may suppress any unlawful assembly, and arrest and detain any one found violating any law. He appoints deputies in various parts of the county and obeys the orders of the governor relating to the enforcement of laws. The sheriff has the power of a game warden. He may also call for the aid of the militia.

Medical Examiner

A medical examiner is appointed for each county by the governor, with the consent and advice of his council. The law authorizes the appointment of more than one medical examiner for each county, if in the judgment of the appointing power such appointments are necessary. It is the duty of the medical examiner to inquire into the cause of the death of persons who die suddenly, mysteriously or by violence. To make such investigation, a medical examiner has power to summon a jury, to examine witnesses, and determine, as far as possible, the cause of the death of the deceased. The finding of the jury must be reported to the county clerk. The coroner has the same power as a justice of the peace to issue his warrant for the arrest of any person charged by the jury with being accessory to the death of the person upon whose body inquest has been held.

Probation Officer

Any county may request the governor to appoint a probation officer, whose duty is to have charge of prisoners who have been released by the courts under a suspended sentence and oversight of minors who have been found guilty of some offense, but whom the court judges think should not be imprisoned. These persons are placed in charge of the probation officer and they must report to him from time to time.

PART IV.

STATE GOVERNMENT.

CHAPTER I.

ELECTIONS IN MAINE.

Presidential Election

Every fourth year on the Tuesday after the first Monday in November, the voters of Maine elect the six electors of the President and Vice-President of the United States. The United States Constitution provides that the President and Vice-President shall be elected by the votes of the chosen electors.

Each state is entitled to as many presidential electors as it has Senators and Representatives in Congress. At the presidential election the people vote for the electors and not for the president. The electoral candidates of each party are pledged to vote for the national party candidate.

The electors convene in the Senate Chamber at Augusta on the Saturday preceding the second Monday of January next after the election. On the Monday following they vote for President and Vice-President. If any elector is not present at that time, the electors present shall proceed to elect by a majority vote.

They shall appoint a messenger to deliver one of the certificates (sealed) at Washington to the President of the Senate before the fourth Monday in January. They shall send a second by mail. A third certificate shall be delivered by messenger to the Judge of the District Court of the United States.

State Election

The state election is held every two years on the second Monday in September of the even numbered years.

United States Senators

Each state is represented in the United States Senate by two Senators. They are elected for a term of six years. Senators are nominated by the voters at the primary election held on the third Monday in June preceding the biennial election held on the second Monday of September. The next United States Senator in Maine will be

elected in 1922. When vacancies occur the Governor shall issue writs of election to fill the vacancy; provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct. (At this date the legislature has not empowered the Governor to appoint United States Senators.)

*Representatives to Congress**

Maine has four congressmen, each elected for two years. Each congressman represents a district. The districts are made by uniting the counties. They are as follows:

First District—York and Cumberland Counties.

Second District—Androscoggin, Franklin, Knox, Lincoln, Oxford and Sagadahoc Counties.

Third District—Hancock, Kennebec, Somerset, Waldo and Washington Counties.

Fourth District—Aroostook, Penobscot and Piscataquis Counties.

Governor

The Governor is elected biennially and holds office two years from the first Wednesday of January of each year. The Governor at the commencement of his term, must be not less than thirty years of age; a natural born citizen of the United States, have been five years a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

The Governor is commander-in-chief of the army and navy of the State and of the militia, except when called into the actual service of the United States. He nominates, and, with the advice and consent of the council, appoints all judicial officers, coroners, and notaries public; and he also nominates, and with the advice and consent of the council, appoints all other civil and military officers, whose appointment is not otherwise provided for; and every such nomination shall be made seven days, at least, prior to such appointment.

* The National House of Representatives having voted, 198 to 77, against increasing its present membership of 435, the reapportionment bill will probobly reduce Maine's representation to three in 1923. (Jan. 19, 1921.)

The Governor from time to time gives the Legislature information of the condition of the State, and recommends to their consideration such measures, as he may judge expedient. He may require information from any military officer or any officer in the executive department, upon any subject relating to the duties of their respective offices. He has power, with the advice and consent of the council, to remit, after conviction, all forfeitures and penalties, and to grant pardons, except in cases of impeachment.

The Governor is the chairman of the Budget Committee. He may convene the Legislature; and in cases of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he may think proper, not beyond the day of the next meeting.

Whenever the office of Governor becomes vacant, the president of the Senate shall exercise the office of Governor, and in case of the death, resignation, removal from office or disqualification of the president of the Senate, the speaker of the House of Representatives shall exercise the office.

State Senators

The Senate consists of thirty-one members, elected at the same time, and for the same term, as the representatives, by the qualified electors of the districts into which the State is from time to time divided.

The districts into which the state is divided for the choice of senators, conform, as near as may be, to county lines, and are apportioned according to the number of inhabitants. Each county shall have at least one senator, and no county shall have more than four senators. The meetings within this state for the election of senators are held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for representatives.

The Senate on the first Wednesday of January biennially, determines who are elected by a plurality of votes to be senators in each district; and in case the full number of senators to be elected from each district shall not have been so elected, the members of the house of representatives and such senators as have been elected, shall, from the highest numbers of the persons voted for, on said

lists, equal to twice the number of senators deficient, in every district, if there be so many voted for, elect by joint ballot the number of senators required. But all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district. The governor shall issue his proclamation therefor and therein fix the time of such election.

The senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same, as those of the representatives.

The Senate has the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Its judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

The Senate chooses its president, secretary and other officers.

House of Representatives

The legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine. In the house there are one hundred and fifty-one members. They are elected by the direct vote of the people to serve two years. Representatives are chosen from legislative classes which are made up by grouping the small towns. These classes are adjusted at least once in ten years. The legislature makes up the classes after each census is taken, so that every town may have a proportional representation. The minimum number of votes in each class is fifteen hundred. In making the legislative classes, towns are never divided. No town may have more than seven representatives.

No person shall be a member of the House of Representatives,

unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, and have been a resident of this State one year.

Whenever the seat of a member shall be vacated by death, resignation or otherwise, the vacancy may be filled by a new election. The House of Representatives shall choose its speaker, clerk and other officers.

How a bill is passed

A bill is the draft of a proposed law as introduced into the legislature. It is known either as an "act" or a "resolve." After a bill becomes law it is classified either as a "public act," a "private and special act" or a "resolve."

A public act is one which operates upon some subject or measure of public policy in which the whole community is interested.

A private and special act is one which is for the particular interest or benefit of some person, group of persons, corporation or organization.

A resolve, though the line which separates a legislative act of this kind from another act properly so called cannot be accurately discriminated, is the form generally adopted when administrative, local or temporary laws are to be passed.

A member wishing to present a bill has it written on a blank provided by the state. He signs his name to the bill and places it in a box near the Speaker's desk. Every day at four o'clock the joint committee on Reference of Bills goes over the bills that have been deposited and by their endorsement suggests the joint standing committtee to which the bill ought to be referred. If it is of sufficient importance, they order it printed. The committee to which the bill was referred gives a public hearing, where the public is given an opportunity to speak for or against the bill. The committee then votes that it "ought to pass." It is reported to the House where it is read and discussed. It is given three readings, two by title only. After this, the house votes on the bill. It is then sent to the Senate, where it goes through the same process as in the House and is finally passed to be enacted. It is then

returned to the House where it is also passed to be enacted. It is next ordered to be engrossed, that is, printed in the form it is to have when it is a law. It is signed by the Speaker of the House and the President of the Senate, and then goes to the Governor for his signature. If the governor vetoes the bill, it requires a two-thirds vote of each house to pass it over his veto.

Initiative

The initiative is the power the people reserve to themselves to propose ordinances and laws and amendments to their charters and constitutions, and to enact or reject the same at the polls. In Maine the people by the initiative may propose any measure, including bills to amend or repeal emergency legislation, but not to amend the state constitution. The petition must set forth the full text of the measure proposed and be signed by not less than 12,000 electors, and be filed with the secretary of state or presented to either branch of the legislature at least 30 days before the close of its session. Proposed measures must be submitted to the legislature, and unless they are enacted without change, they must be submitted to the electors together with any amended form substitute or recommendation of the legislature, in such a manner that the people can choose between the competing measures, or reject both. When there are competing bills and neither receives a majority of the votes given for and against both, the one receiving the greater number of votes is to be resubmitted by itself at the next general election, to be held not less than sixty days after the first vote thereon; but no measure is to be resubmitted unless it has received more than one-third of the votes given for and against both. An initiative measure enacted by the legislature without change is not to be referred unless a popular vote is demanded by a referendum petition. The veto power of the governor does not extend to any measure approved by vote of the people, and if he vetoes any measure initiated by the people and passed by the legislature without change and his veto is sustained by the legislature, the measure is referred to the people at the next general election.

Referendum

The referendum is the power the people reserve to themselves to approve or reject at the

polls any ordinance or act passed by their legislative assemblies. In Maine the legislature may enact measures expressly conditioned upon the people's ratification by referendum vote. Petitions for a referendum of any act or any part or parts thereof, passed by the legislature must be signed by not less than 10,000 electors, and be filed within ninety days after the recess of the legislature. The governor is required to give notice of the suspension of acts through referendum petitions and make proclamation of the time when the referred measure is to be voted upon. Referred measures do not take effect until thirty days after the governor has announced their ratification by a majority of the electors voting thereon. The governor may order a special election upon an initiative or referendum measure, or if so requested in the petition shall order a special election held upon the act to be referred or the act initiated but not enacted without change by the legislature.

CHAPTER II.

STATE OFFICIALS.

Governor's Council

The work of the Executive Department constitutes a very important and extensive part of the business of the state. If we think of the Governor and Council as the president and board of directors of a corporation, we will have on the whole a clear idea of their relation to the various activities of the state. There is annually raised by the state about eight million dollars, and all this vast sum is expended under the direction of the Governor and Council. The council does its work largely through the following standing committees: On Accounts; on Public Lands and Buildings; on State Library; on State Highways; on Military Affairs; on Indian Affairs; on Election Returns; on Printing and Binding; on State Beneficiaries and Pensions (including Relief of Needy Blind); on State Prisons and Pardons; on Insane Hospitals; on Juvenile Institutions; on Maine School for Feeble-Minded.

The constitution and statutes set forth certain specific duties for the Executive Department. By the constitution, the governor is constituted the supreme executive power and he is given a council of seven members to advise him in the conduct of the affairs of the state. These councillors act in much the same manner as does the Cabinet of the United States, but individually the councillors do not head a department. While the governor is elected by popular vote, the councillors are chosen biennially on joint ballot by the legislature. The state is divided into seven districts with a councillor for each district.

The governor and council are required to tabulate the returns and elections of votes cast at primary, state and special elections, and elections for the choice of presidential and vice-presidential electors. The statutory powers and duties of the council cannot be enumerated without reference to many of the chapters of the Revised Statutes and Session Laws.

The governor and council have the execution of the state pension law, under which approximately $150,000 per year is distributed to veterans of the Civil War and the Spanish War, and their dependents; also the law providing for pensions for the needy blind, which was enacted a few years ago, under which several hundred blind persons are now receiving very substantial aid. They are authorized to provide for the training and other expenses of blind children in institutions outside of the state. They also examine claims for reimbursement of cities, towns and plantations, for aid to dependents of soldiers, sailors and marines, who served in the war with Germany.

Various other claims of cities, towns and plantations are examined and allowed under their direction, such as claims for support of dependent persons having no settlement within the state, for which purpose alone the funds now amount to $150,000 per year. In addition to all these specific duties, there are hundreds of matters coming up that would naturally appear in the administration of a big business for which no specific legal provision could be made.

Secretary of State

The secretary of state is elected by the Legislature for two years. His office was designed by the framers of the constitution primarily as an office of record in which were to be "preserved the records of all the official acts of the Governor and Council, the Senate and the House of Representatives." So rapid has been the advance of the state's business, however, and so various the changes in its government that this department has become a great buiness office. The revenue received by the secretary of state in 1920 was $826,880.47. In addition to this sum the deposits produced in interest alone about two thousand dollars. This money was derived from the following sources:

	1919	1920
Registration of automobiles and licensing of drivers	$685,571.25	$818,755.50
Corporation changes	1,665.00	2,425.00
New corporations	2,465.00	2,135.00

Fees of office	2,714.99	3,464.97
Itinerant vendors	1,029.95	100.00

The duties of the secretary of state are as follows: Attending as secretary the meetings of the governor and council and preserving records of all their official acts; preparing, recording and delivering commissions to all persons appointed by the governor; engrossing all acts and resolves of the legislature including the preservation and filing of the original papers and signed copies of all laws; publication of the official copies of the acts of each succeeding legislature including the annotation and indexing of these volumes; recording of the acts of incorporation of Maine formed corporations together with the annual return, sending out notices of the annual franchise tax, recording changes, etc.; registration of automobiles and the licensing of drivers of the same; preparation and distribution of all ballots used in state, county and national elections and primaries and the filing of the returns of votes of such elections.

The secretary appoints his deputies, who serve during the pleasure of the secretary. During the late summer and fall months the office force averages about ten in number, this being increased to twenty or twenty-five during the busy season. The total expense of this office for 1920 was $49,866.76.

Treasurer

The treasurer is elected by the legislature for two years and may not be elected for more than six years in succession.

The state debt in 1920 was

State Highway Loan Bonds	$1,921,000.00
State of Maine War Loan Bonds	1,000,000.00
Civil War Bonds	500.00

Bonds held in trust for the Augusta State Hospital and University of Maine amount to $268,300.

The amount received in this office from corporation and franchise taxes in the year 1920 amounted to $221,970. The amount

of taxes on wild lands for the same period amounted to $434,-527.45. The state taxes on cities and towns for the year 1920 amounted to $3,739,533.73.

Auditor

The office of the State Auditor was established in 1907. It is his duty to examine and audit all accounts and demands against the state. The weekly payrolls for the state departments and their field forces as well as the payrolls of the thirteen state institutions are also audited and the warrants prepared in this office. The auditor is also secretary of the Farm Land Loan Commission of Maine, created in 1917, which is charged with the duty of lending state money on farm land security, the rate being five per cent with twenty years as the period of the loan. The state auditor is called upon to aid in the preparation of the state budget, which is presented to the legislature at its biennial sessions. There was employed in the department, December, 1920, the following: A special auditor, in charge of the accounts of the state institutions; a chief clerk, a department auditor, statistician, index clerk and three clerks and stenographers. The appropriation for the department in 1920 was $22,732.00.

In case a vacancy occurs, the governor, by and with the advice and consent of the council, may appoint a person to fill said vacancy for the unexpired term.

The auditor shall record all certificates issued by him in a book kept for that purpose, and shall transmit such certificates to the governor and council. He shall keep a distinct acocunt of all state receipts and expenditures under appropriate heads. He shall also keep a statement of all property belonging to the state and of all debts and obligations due to and from the state. He shall investigate all accounts, demands, bills, vouchers or claims against the state, including those made by any state officer, department, commission or trustee. The auditor shall not approve nor issue his certificate for the payment of any bill or account unless there is a specific appropriation or fund for the payment thereof, or an expenditure is authorized by law to be paid out of a contingent fund, or from moneys in the treasury not otherwise appropriated.

Attorney General

The office of the Attorney General has existed in the State of Maine since the birth of the state in 1820, but during the early history of the state, its powers and duties were much more restricted in scope than in more recent years. The Attorney General is elected by the Legislature for a term of two years.

Until comparatively recent times, the Attorney General's activities were more closely related to the enforcement of criminal laws throughout the state, county attorneys acting generally under his direction. Quite radical changes in this respect were effected in 1905, since which time, in matters relating to their duties, he is required to participate only in the trial of indictments of treason and murder. In the same year he was also invested with broad powers as the legal representative of the state government, being required to appear for the state and advise state officials, boards and commissions in all suits and other civil proceedings in which the state is a party or interested or in which the official acts and doings of such officers are in question in all courts of the state; and in such suits and proceedings before any other tribunal when requested by the governor or by the legislature or either branch thereof. He was also required to render legal services required by state officers, boards and commissions in connection with their legal duties and they were forbidden to engage other counsel. He was also authorized to bring civil actions to recover money for the state and to appear before departments and tribunals of the United States and committees of Congress and prosecute claims of the state against the United States. He was also required whenever public interest might require to prevent public nuisance.

In 1870, the first duties with reference to corporations was imposed upon this office, the Attorney General being required to approve certificates of organization. In 1881, he was required to enforce penalties against corporations for failure to make returns to the secretary of state and in 1883 was authorized to excuse corporations which had ceased to transact business from filing such returns.

In 1909, he was required to represent the interests of the state

in the assessment and collection of inheritance taxes, a line of activity which has expanded so rapidly that an assistant attorney general is now required by law to devote his whole time to that work. The office of assistant attorney general was created under special statutory authority in 1905.

In 1919, a general law was passed giving the attorney general authority to employ a deputy attorney general and such assistance as the duties of the office might require. At the present time there is a deputy upon whom by statute is conferred duties relating to the organization of corporations and such other duties as the Attorney General may require, and one assistant whose time is devoted to inheritance tax work.

The appropriation for the department for all purposes for 1920 was $27,000.00.

Agriculture

The department is under the direction of the Commissioner of Agriculture, who is elected by the legislature to serve four years. The department as at present organized, is composed of five Divisions, each Division including one or more bureaus as follows:

1. Division of Plant Industry; (a) Gypsy Moth Work, (b) Horticulture, (c) Seed Improvement, (d) Exhibits.
2. Division of Animal Industry; (a) Livestock, (b) Sheep Specialist, (c) Dairy Inspector.
3. Division of Markets; (a) Marketing, (b) Statistics, (c) Grading and Packing, (d) Labor.
4. Division of Inspection; (a) Food, Fertilizers, etc., (b) Apple Packing, (c) Weights and Measures.
5. Commissioner, Administration Division; Institutes, Fairs, Bulletins, Miscellaneous Work, General Supervision.

Public Utilities

The Maine Public Utilities Commission was created in 1913 by the 77th Legislature. This act was referred to the people in 1914 and accepted by a large majority. The law became effective November 1, 1914.

The Commission, in addition to the ordinary duties of such a

commission, took over the work of the former Railroad Commission and the Maine Water Storage Commission.

The Public Utilities Commission consists of three commissioners appointed for a term of seven years. This Commission has regulatory powers over all steam railroads, electric railoads, gas, water, electric, telephone, telegraph, steamboat, and express companies, also warehousemen and wharfingers operating in the State of Maine and totaling 483 companies. The Commission has the power to fix the rates charged for the different classes of service rendered by the different utilities. It is its duty to see that no discrimination in the sale of the product occurs among consumers in the same class and to prevent the enjoyment of special privileges among the consumers and see that no rebates are given except as provided by law and as ordered by them. The law requires that all changes in rates shall be filed 30 days before they go into effect. The Commission has power to suspend rates pending an investigation.

It has jurisdiction over all issues of stocks, bonds and notes. This requires public hearing and careful scrutiny of the purposes and legality of the issues. Many cases require the auditing of accounts, and, in some of them, appraisals in addition to the testimony presented at the hearings. No public utility corporation is permitted to issue a share of common capital stock without satisfactory proof that it brought to the treasury of the utility its full face value in property. This entirely prevents the issue of "watered" stock. The Commission also insists that new public utility corporations shall actually finance their operations in part through money or property furnished by the stockholders, so that there will be a substantial equity behind the bonds before they are sold to the public.

The Commission through a special agent also inspects the plants and recommends improvements looking toward the betterment of the water supply furnished the public by the various water companies. There are 479 public service companies operating in the state as follows: Electric lighting companies, 94; express companies, 7; steam railroads, 15; electric railroads, 15; telegraph companies, 4; water companies, 172; warehousemen,

5; wharfingers, 17. The total estimated assets of all these companies are $250,000,000. These companies issued under the Commission's direction during the four years preceding 1919 the following securities: Stocks, $11,209,920; bonds, $30,634,343.75; a total of $41,844,263.75.

Highways

The appropriation for the payment of state aid was fixed at this time as one-third of a mill on the valuation of the state. In 1909 this appropriation was increased to three-fourths of one mill. In 1911 the principle of the mill tax was abolished and the appropriation of $250,000 per year was made to carry on the work. This appropriation was continued until 1913 and since that time the appropriation has been $300,000 annually.

The legislature of 1913 passed a new state highway law reorganizing the state highway department under a commission of three members. This law directed the highway commission to lay out a system of state highways which should be the principal thoroughfares of the state and a system of state aid highways which should be feeders to the state highway system. The law also placed in the hands of the commission the maintenance of all state and state aid highways as fast as constructed and directed the commission to take for maintenance certain portions of state aid highways already constructed.

The following types of construction have been used: Portland cement concrete, bituminous macadam, water-bound macadam, gravel. The higher types have been used where traffic is the heaviest and most severe. About eighty per cent. of the entire mileage has been constructed of gravel. Each year substantially 150 miles of state aid roads are constructed at a cost of approximately $1,000,000, said cost being borne in round numbers, one-half by the state and one-half by the cities and towns.

In acocrdance with the provisions of the law passed in 1916 a bridge division was organized by the State Highway Commission in 1917. When the cost of constructing a bridge on a main thoroughfare, added to the highway taxes, makes a tax rate in excess of five mills the municipal officers of the city or town in

which the bridge is located may petition the highway commission and the county commissioners for state and county aid.

Labor and Industry

The bureau of Industrial and Labor Statistics was created by the legislature of 1887. The duties of the bureau were to collect statistical details relating to the commercial, industrial, social and educational conditions of the laboring people. The law further provided that the bureau should inquire into any violation of the labor laws. In 1911 the old bureau was discontinued and the State Department of Labor and Industry took its place. The executive in this department is known as the Commissioner of Labor and Industry and State Factory Inspector.

The work of the department as it exists under the present law is as follows: Collecting, assorting and arranging statistical details relating to all departments of labor and industrial pursuits in the state; trade unions and other labor organizations and their effect upon labor and capital; the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the state, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex, and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the state.

The Commissioner of Labor and Industry shall cause to be enforced all laws regulating the employment of minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes. The workmen's compensation act assigns to the Labor Commissioner the duty of approving all agreements for compensation made between employers and injured employees. Such agreements are not

valid until they receive the approval of the Commissioner of Labor.

The Commissioner of Labor estimates that there are about 410,820 persons employed in the State of Maine distributed as follows: Manufacturing 113,410, mercantile, 112,410, agricultural, 125,000, lumbering, 60,000. There are about 4600 firms in Maine engaged in about 200 different industries.

Workmen's Insurance

The Workmen's Compensation Act of Maine was passed by the legislature of 1915, and became operative for organization purposes upon the first day of October, 1915. For administration purposes, the act took effect on January 1, 1916, prescribing the compensation to be paid when workmen sustained injury or death in the course of their employment. Administration of the law is supervised by a commission consisting of four members; a chairman and associate legal member who are appointed by the governor, the commissioner of labor and industry and the commissioner of insurance.

The system provided for is optional, except as to state, county, cities, water districts and other quasi municipal corporations. All other employers have the right to elect whether or not to adopt the compensation features of the act, such election being evidenced by a signed written acceptance filed in the office of the Commission, together with copy of compensation policy. Every employee and employer who has elected to become subject to the act is presumed to be also subject to its provisions in the absence of written notice to the employer of a contrary intention at the time of his contract of hire, and within ten days thereafter having filed a copy thereof with the Commission.

State Assessors

The Board is appointed by the governor, not more than two of whom can be taken from the same political party, the governor to designate the member who shall serve as chairman. The Board of State Assessors constitute a board of equalization, whose duty it is to equalize state and county taxes among the several towns and unorganized townhips. For this purpose they may summon before

them and examine under oath any town assessor or other officer, or any officer of any corporation, and shall also have access to books, records and documents relating to any matter which the board has authority to investigate. They are required by law to visit officially every county in the state at least once each year, for the purpose of conferring with local assessors, and inquiring into the methods of assessment and taxation in the several cities and towns. Public notice of these meetings must be given.

Local assessors are required to return to the State Assessors annually, on or before the first day of August, such information as said Board of State Assessors may require to enable them to equalize property values between towns, and they may add to or deduct from the amounts so furnished. They must file with the secretary of state, biennially, the assessed valuation for each town and township in the state. The aggregate amount for each county and for the entire state shall be certified by said board. This valuation shall be the basis for the computation and apportionment of the state and county taxes, until the next biennial assessment and equalization.

State Printing

This office has been provided with a complete modern letter manifolding equipment and addressing department, giving excellent service in efficiency and quality of work. Many of the departments have taken advantage of these facilities and find them a tremendous help in saving time and energy.

The printing for the state is divided into classes and competitive bids are solicited and proposals accepted for doing the work under contract, the contract usually running for a period of two years. There are four classes of printing. Class A, book printing, includes annual or biennial reports of state officials, departments, institutions, boards or commissions, and similar books, pamphlets, catalogues, etc., consisting of eight pages or more, also abstracts of same printed from same type. Class B, miscellaneous job printing, including blank forms, (index and filing cards, tab cards, loose leaves, and ruled blanks, excepted) circulars of less than eight pages, stationery printed with the ordinary letter

press and general office supplies. Circulars issued in series, where uniformity of style is important, though occasionally comprising eight pages or more, may be kept wholly within Class B if deemed most feasible. Class C, legislative printing, including both book and job printing concurrent with and contingent upon sessions of the legislature, required by the order or for the use of the legislature. Class D, election ballots for state, congressional and preidential elections and accessories necessary for the packing and distribution of same, also election notices and blanks for returns. This combined printing means nearly seven million impressions and nearly seven and one-quarter million pieces of paper.

Adjutant General

The office of the Adjutant General was created as a state department by the first laws of 1820. The Adjutant General is appointed by the governor with the advice of the council, and holds office at the pleasure of the governor. He has the rank of brigadier general, and is, ex-officio, chief of staff, quartermaster general, and paymaster general, of the state. For the purpose of establishing the relation between the war department and the various staff departments of the state, he is the chief of said departments; and he shall control the military department subordinate only to the governor. He shall also be responsible for the care, preservation, and repair of all military property belonging or issued to the state for the arming and equipping of the militia.

Inland Fisheries

In 1917 the Fish and Game Commission was abolished and the work of the Department is now handled by one official, designated as Commissioner of Inland Fisheries and Game. The commissioner is appointed by the governor for a term of three years. His duties, in general, are the propagation and protection of fish and the protection of game and birds. The state department maintains eleven fish hatcheries, situated at Caribou, Enfield, Tunk Pond, Moosehead Lake (near Greenville Junction), Lake Moxie, North Belgrade, Monmouth, East Auburn,Oquossoc, Raymond and Camden, in which hatcheries are annually raised from four to five mil-

lions of landlocked salmon, trout and togue for stocking the inland waters of this state. A force of wardens, varying from seventy-five to one hundred, is on duty throughout the year engaged in the enforcement of the inland fish and game laws.

Since July, 1917, the Department has had placed at its disposal the fees collected for non-resident fishermen's licenses ($2.00 each), which are set apart as a fund and expended solely for the propagation and protection of inland fish. In 1917 these fees amounted to $15,000. The Department annually collects in license fees, fines and from miscellaneous sources from forty to fifty thousand dollars, which money is paid to the State Treasurer and credited to the general state fund, the Department receiving no benefit from it.

Fisheries Sea and Shore

The legislature of 1917 abolished the office of Commissioner of Sea and Shore Fisheries and created in place thereof, a Sea and Shore Fisheries Commission; the Commission to appoint a Director of Sea and Shore Fisheries with all the powers and duties of the former commissioner.

Three million dollars are invested in the fishing industry, including the vessels and their apparatus. Approximately 12,000 persons, exclusive of sardine industry, get their living direct from our fisheries. The annual value of the lobster catch alone is two million dollars; of herring, two and a half mililon; clams, four hundred thousand; mackerel, one hundred thousand; smelts, one hundred thousand; other salt water fish, one million. These include only those sold as taken from the water, not reckoning salted and dried fish, such as cod, haddock, hake and cusk.

The herring fishery is one of the most important industries. Canning of sardines gives greater employment than any other branch. About two million cases are annually packed, sold at $10,000,000. Other branches of the great canning industry, establishments of which are scattered here and there along the seaboard, are clams, in value $500,000; lobsters, $2,000,000; smelts, $96,000; alewives, $30,000; mackerel, $100,000; shad, $20,000; salmon, $22,000; and other fish, $5000. In fish canning and pre-

serving are employed nearly six thousand persons who receive wages of $900,000. The total annual product is five million dollars.

Land Agent and Forest Commissioner

The Land Agent and Forest Commissioner is appointed by the governor for a term of four years. He shall execute deeds in behalf of the state, conveying lands which have been granted by the legislature or sold by lawful authority. The land agent under direction of the governor and council shall sell at public or private sale and grant rights to cut timber and grass belonging to the state and may lease camp sites on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites on lots reserved for public uses in any township or tract of land until the same is incorporated.

The land agent shall have the care of the reserved lands in all townships or tracts, until they are incorporated, and the fee becomes vested in the town. He may, from time to time, sell for cash for such sum as he thinks just and reasonable, the timber and grass thereon, or the right to cut the same.

The standing timber in the State of Maine is estimated as follows:

Spruce	11,630,000,000	ft. bd. measure
Spruce Pulp	9,610,000,000	" " "
Fir	2,288,500,000	" " "
Fir Pulp	1,943,000,000	" " "
Pine	5,060,000,000	" " "
Cedar	2,781,000,000	" " "
Hemlock	880,000,000	" " "
Poplar	1,123,000	cords
White Birch	1,109,980	cords
Yellow Birch	2,033,500,000	ft. bd. measure
Maple	1,403,500,000	" " "
Beech	12,000,000,000	" " "

There are in farms 9000 square miles. It is estimated that 2400 square miles included in the farm lands consist of woods,

add that to the part remaining as a wilderness, and there are 22,000 square miles of forest lands, a territory equal in extent to the combined areas of Massachusetts, New Hampshire and Connecticut. There are nine hundred establishments engaged in the manufacture of lumber and timber products, with seven thousand wage-earners, and products valued at fifteen million dollars annually.

Bank Commissioner

The Bank Commissioner is appointed by the governor for a term of three years. No person, copartnership, association, or corporation shall do a banking business unless duly authorized under the laws of this state or the United States, and having the consent of the Bank Commissioner.

The number, classes and assets of the institutions under the supervision of this department as compiled from the annual returns of September 29, 1920, are as follows:

45	Savings Banks	$107,463,361.59
53	Trust Companies	
21	Trust Company Branches	
4	Trust Company Agencies	124,539,850.85
38	Loan and Building Associations	8,050,930.63
3	Loan Companies	871,206.63
1	Industrial Bank	134,595.27
164	Total	$241,059,944.97

The banking department also has supervision of dealers in securities. There are at present 188 dealers in securities and 223 salesmen or agents licensed under the provisions of the "Blue Sky Law." The 1917 legislature placed under the supervision of the Banking Department all persons, copartnerships and corporations engaged in the business of making loans of $300 or less, at a greater rate of interest than twelve per centum per annum. The act applies to pawn brokers as well as loan agencies. There are now eighteen loan agencies operating under the supervision of the department.

The establishment of "Industrial Banks" under the supervision of the Banking Department was authorized by the 1917 legislature. These banks are intended to accommodate the small but worthy borrower who has no banking credit or whose needs are not sufficiently large to interest the average banker.

Commissioner of Health

The Commissioner of Health is appointed by the governor for a term of six years. The State Department of Health was created by the Seventy-eighth Legislature. Its official existence dates from July 7, 1917. This department takes the place of the former State Board of Health which was created in 1885. The board consisted of six members appointed by the governor.

In the newly organized department, the Commissioner of Health is the administrative head, and also Chairman of the Public Health Council which consists of five members. The state is divided into three health districts, each under the supervision of a full-time officer who represents the Health Commissioner. The three health districts are as follows: The northern district, comprising the country north of the Canadian Pacific Railroad; the southeastern district, including territory south of the Canadian Pacific and east of the Kennebec; the southwestern district, comprising the country south of the Canadian Pacific and west of the Kennebec. The State Department of Health has established six central divisions, all of which are viewed as co-operating agencies for the use of local health officials and the general public. These six divisions are as follows: Administration, Communicable Diseases, Sanitary Engineering, Diagnostic Laboratories, Vital Statistics, and Public Health Education.

Insurance Commissioner

The Insurance Commissioner is appointed by the governor for a term of four years. He shall annually examine or cause to be examined, every domestic stock insurance and mutual life insurance company, and biennially every domestic mutual fire insurance company, in order to ascertain its ability to meet its engagements and do a safe insurance business; and shall make such other examinations as he regards necessary for the safety of the public or

the holders of policies. He may require the officers to produce for examination all books and papers of the company, and to answer, on oath, all questions propounded to them in relation to its condition and affairs.

These duties include the investigation of questionable fires, inspection of property within the state and supervision of local fire inspectors and fire departments. This part of the work was added to the duties of the commissioner of insurance in 1895. Under the provisions of the Workmen's Compensation Act the Insurance Commissioner is a member of the Industrial Accident Commission and is charged with the duty of approving policy forms for compensation before they are filed with the Industrial Accident Commission and with the approval of adequate rates for compensation. The Insurance Commissioner has supervision of all insurance companies including fire, marine, life, casualty, liability, plate glass, surety, bonding companies and various other lines, also fraternal beneficiary associations, and under the provisions of the law passed by the legislature of 1915, he is charged with supervision of lightning rod manufacturers and the installation of lightning rods within the state.

Ordinary life insurance:

Total insurance in force December 13, 1918	$150,943,546.57
Total insurance written in 1918	21,713,344.47
Total premiums paid to companies	5,289,918.88
Total losses paid by companies	2,944,930.12

Industrial insurance:

Total insurance in force December 31, 1918	$31,775,723.00
Total insurance written in 1918	6,629,571.00
Total premiums paid to companies	1,102,314.01
Total losses paid by companies	429,489.58

Fraternal Insurance:

Total insurance in force December 31, 1918	$44,810,365.00
Total insurance written in 1918	4,365,650.00
Total premiums paid to companies	712,846.16
Total losses paid by companies	551,598.19

Fire Insurance:

Total insurance written in 1918	$448,370,086.40
Total premiums paid to companies	6,377,873.00
Total losses paid by companies	2,520,240.38
Total fires in 1918---2040; damage	3,068,923.00

State Superintendent of Schools

The State Superintendent of Schools is appointed by the governor for a term of three years. He exercises a general supervision of all the public schools, and advises and directs the town committees and superintendents in the discharge of their duties, by circular letters and personal conferences, devoting all his time to the duties of his office. He obtains information as to the school systems of other states and countries, and the condition and progress of public school education throughout the world; disseminates this information, with such practical hints upon the conduct of schools, improved systems of instruction, and the true theory of education as observation and investigation convince him to be important, by public addresses, circulars and articles prepared for the press, and by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching, prepared for and distributed among the teachers of the schools and school officers of the state; and does all in his power to awaken and sustain an interest in education among the people, and to stimulate teachers to well directed efforts in their work. He reports annually to the governor and council the result of his inquiries and investigations, and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of public schools.

Maine has 228,489 children between the ages of 5 and 21 years; of these 131,313 were enrolled in elementary schools during 1919 with an average attendance of 97,638, making 75 per cent. of attendance to enrollment, which greatly exceeds the average in the United States. In 1919, 7,962 children completed the elementary schools. The enrollment for the same year in the secondary schools, high schools and academies was 23,291.

The public schools of the state are supported by funds derived (1) from a tax levied on the property of the town by the legal voters at the annual town meeting in March; (2) the income from the permanent school fund which represents the proceeds of the sale of lands apportioned for the support of schools, and other moneys appropriated for the same purpose to which is added one-half of the sum received by the state from taxes on the franchises of savings banks, and one-half the sum asseessed upon the deposits of trust and banking companies, (3) the school mill fund which is the proceeds of a tax of one and one-half mills on the dollar annually assessed upon all the property of the state according to the value thereof, (4) the common school fund which is a tax of one and one-half mills on the dollar annually assessed upon all the property of the state according to the value thereof. In addition to these funds are moneys raised by direct appropriation through legislative enactment.

State Librarian

The State Librarian is appointed by the governor and serves a three year term. The librarian shall keep the library open every day in the year, Sundays and the usual public holidays excepted, from nine A. M. to four P. M. He shall be, ex-officio, a member of the library commission and secretary thereof. He shall purchase the books selected by the library commissioners for traveling libraries, cause the same to be properly catalogued and placed in proper cases for transportation and use, keep accurate accounts of all matters relating to the expenditures of money, the transportation of libraries and such other statistics as the commissioners may require.

In addition to the general duties of his office the librarian of the state library shall solicit and receive all duplicate copies of books and documents, and maintain a bureau of deposits and exchange with all other libraries and institutions of learning, and shall aid in the establishment of free public libraries in the state by gifts of such books and documents as are published or purchased by the state for distribution.

He shall distribute all the reports of the departments and institutions of the state, and all books and documents published or

purchased by the state, to such nations, counties, municipalities, corporations, institutions and persons as are or may be by law entitled to receive the same. He shall also transmit to the legislature and to each member and officer thereof, as soon after the commencement of its session as practicable, one copy of each of the printed reports of each state department. He shall maintain a document department in a room provided for that purpose, in which shall be stored all department reports and the publications of the state intended for distribution, and shall keep an accurate account of all books and documents received, and of every book, document or package sent out from said department.

Superintendent of Public Buildings

The governor, with the advice and consent of the council, appoints a superintendent of public buildings, who holds office at the pleasure of the governor. It is his duty to see that the several apartments are at all times kept properly cleansed and ventilated, that all state property is preserved from injury. He superintends and causes repairs on all public buildings, and makes all purchases of furniture, lights, fuel and everything necessary for the use and convenience of the apartments of the state house. He is required to give a bond for the faithful discharge of his trust.

State Historian *

The governor with the advice and consent of the council, shall appoint a state historian, who shall be a member of the Maine Historical Society and whose duty it shall be to compile historical data of the state and encourage the teaching of the history of the state in the public schools. He shall also encourage the compiling and publishing of town histories, combined with local geography; he shall examine, and when he decides that the material is suitable, approve histories of towns compiled as provided in the following section. Whenever any town shall present to the state historian material, which he considers suitable for publication as a history of the town presenting the same, he may approve the publication of a history with the local geography, which will be suitable for

* A bill is before the 1921 Legislature placing the State Library, Commission and State Historian under one board.

use in the grammar and high school grades of the public schools.

Library Commission

The governor with the advice and conseit of the council, shall appoint four persons as library commissioners who shall hold their offices for a term of four years each; they shall serve without pay; the commission shall give advice to all school, state institutional, free and public libraries, and to all communities in the state which may propose to establish libraries as to the best means of establishing and administering them; selecting and catologing books, and other details of library management; and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established. It may also receive gifts of money, books, or other property which may be used or held in trust for the prupose or purposes given. It may publish lists and circulars of information and may co-operate with other state library commissions and libraries in the publication of documents in order to secure the most economical administration of the work for which it is formed. It may conduct courses of schools of library instruction and hold librarians' institutes in various parts of the state, and co-operate with others in such schools or institutes. It shall select the books to be purchased for traveling libraries and advise the librarian of the state library in reference thereto, and shall perform such other service in behalf of public libraries as it may consider for the best interests of the state.

In addition to the above, there are the following Commissions and Boards, whose duties can be understood from their titles:

Commissioners of Harbor and Tidal Waters—three members, three years.

Commissioners of Pharmacy—three members, three years.

Board of Legal Examiners—five members, five years.

Maine Board of Accountancy—three members, three years.

Board of Registration of Medicine—six members, six years.

Board of Registration and Examiners in Optometry—five members, three years.

Board of Veterinary Examiners—three members, three years.

Board of Dental Examiners—five members, five years.

Board of Embalming Examiners—four members, three years.

Board of Arbitration and Conciliation—three members, three years.

Board of Examination and Registration of Nurses—five members, three years.

Inspectors of Steamboats—two members, five years.

Board of Osteopathic Examination and Registration—five members, five years.

Board of Vocational Education—three members, chairman, ex-officio, other two members three years.

State Park Commission—three members, four years.

Commissioners for Promotion of Uniformity of Legislation in the United States—three members, four years.

Agent of Penobscot Indians—holds office at pleasure of governor and council.

Agent of Passamaquoddy Indians—holds office at pleasure of governor and council.

CHAPTER III.

PUBLIC INSTITUTIONS.

Cost of Public Charity

The amount of money expended from the public treasury in the State of Maine in the year 1919 for the support of the dependent and delinquent classes of its population is $2,238,000.00 and the number of persons receiving the benefit of this expenditure of public moneys is 20,000.

The number of persons in the various classes and the cost of caring for each class is shown by the following tabulation:

	No. Persons Cared for or Assisted	Annual Net Exp'dit'e
State Board of Charities and Corrections, Mothers' Aid and Children's Guardians, including children's institutions and child helping societies	2,400	$145,000.00
Insane Hospitals	2,000	587,000.00
School for Feeble-Minded	350	121,000.00
School for Boys and Girls	525	119,000.00
Military and Naval Orphan Asylum	50	19,000.00
Tuberculosis Sanatoriums	250	215,000.00
Reformatories and Prisons	250	117,000.00
Pensions and Institutions for the Blind	420	66,000.00
Indigent patients in general and special hospitals paid for by the state	2,300	99,400.00
Total State Expenditure	8,545	$1,488,400.00
The county jails cost annually		$75,000.00
The number of persons committed to jails in 1919 was		1,650
But the average daily number in custody was only		150

Cities and towns expend annually for the care of the poor $610,-

000.00 assisting some 10,000 persons. They also expend for special relief for mothers and children, $65,000. Two and seven-tenths per cent. of the state's population fails to be fully self supporting and it costs $3.00 per capita of the state population from the public treasury, either state, county or municipal, to care for them.

State Board of Charities and Corrections

The State Board of Charities and Corrections established by the legislature of 1913 is composed of five members (unsalaried), one of them a woman, appointed by the governor with the consent of the council. The board appoints a salaried secretary and other agents. The board is required to investigate and inspect the whole system of public charities and correctional institutions in the state, examine into the condition and management of all prisons, jails, reform schools, industrial schools of a charitable or correctional nature, children's homes, hospitals, sanatoriums, almshouses, orphanages, hospitals for the insane, schools or homes for feeble-minded, and other similar institutions, supported wholly or in part by state, county or municipal appropriations, except purely educational or industrial institutions; and any private charitable or correctional institutions which may desire to be placed on the list of such institutions. The officers of all institutions subject to such supervision are required to furnish all information desired by the board which may prescribe forms for statement, and upon the basis of such investigation the board may present recommendations to the governor and legislature as to the management of the institution, notice thereof being given to the institutions affected.

The board is required to give its opinion as to the organization of charitable, eleemosynary or reformatory institutions which are or may be under its supervision, and passes upon all plans for new institutions under its supervision. It receives full reports from overeers of the poor in regard to paupers supported or relieved.

It acts as a board of mother's aid, supervising the administration of special aid to mothers with children under sixteen years of age dependent upon them, and also ex-officio as a board of chil-

dren's guardians, caring for neglected children committed to it by the courts, and for dependent children without relatives able to care for them.

The board makes a biennial report to the legislature and publishes a quarterly bulletin.

There are a number of associations, hospitals and other institutions which receive appropriations from the state, and are subject to supervision by the State Board of Charities and Corrections so long as they receive such aid.

Overseers of the Poor

Overseers of the poor, not to exceed seven in number, are chosen by each town. These have general care of destitute persons found in the town, superintend the almshouse, workhouse and house of corrections, provide for immigrants in distress, and remove paupers to their place of settlement. They act ex-officio as municipal boards of mothers' aid and municipal boards of children's guardians. In some cases the selectmen act as overseers of the poor, and in cities this duty devolves on different officers, according to the charter. In plantations of more than 200 population and $100,000 valuation, the assessors act as overseers, and in unincorporated places the overseers in adjoining or nearby towns have care of the poor.

Persons who, on account of poverty, need relief, are to be cared for by the overseers of the poor of the town in which they have settlement. In the case of unincorporated places, and of immigrants who fall into distress, the overseers are to furnish relief, the expense being met by the state, and the paupers do not become paupers of such town by reason of such residence. The governor and council may in case of necessity transfer a state pauper to any town or place him in a state institution without formal commitment, but not without the knowledge and consent of the overseers of the town to which the pauper is to be removed. In case of poor persons having legal settlement elsewhere, they are to be relieved and the expense recovered from the place where they have settlement. Whoever brings an indigent person into a town with intent to charge his support upon the town is liable

to fine and the cost of such person's maintenance, and anyone who aids in bringing or leaving such a person is similarly liable.

Legal Settlement

Legal settlement in a town is acquired by an adult by five years' residence without receiving pauper supplies. Residence in a public institution does not result in legal settlement. A married woman has the settlement of her husband, if he has any in the state; if not, her own settlement is not affected by the marriage. Legitimate children have the settlement of their father, if he has any in the state; if not, they have the settlement of their mother; but if of age they acquire one. Illegitimate children have the settlement of their mother at the time of their birth.

Responsibility of Relatives

The father, mother, grandfather, grandmother, living within the state and of sufficient ability, children and grandchildren, by consanguinity, are required to support persons chargeable to them, in proportion to their respective ability.

Methods of Institutional Relief

Every town, either by itself or in conjunction with one or more towns, is authorized to provide an almshouse and poor farm for the care of poor and destitute persons needing relief; also a workhouse to which poor persons, especially those who are able-bodied, may be sent and required to work; also a house of correction for criminals. But until the workhouse and house of correction are provided, the almshouse may be used for all three purposes. All are under the supervision of the overseers of the poor.

Outdoor Relief

Overseers have the care of persons chargeable to their town and cause them to be relieved and employed at the expense of the town, but there is no requirement as to relief within an institution. It is provided that supplies and medical care may be furnished on the application of a poor person or of that of some person acting for him. Towns at their annual meetings, under a warrant for the purpose, may contract for the support of their poor for a term not exceeding five years. Overseers may set to work, or bind to ser-

vice for a time not exceeding one year, persons with or without settlement, able-bodied, married or unmarried, over 21 years of age, having no apparent means of support and living idly.

Care of Children

Mothers with children under sixteen years dependent upon them, and who are fit and capable, physically, mentally and morally to bring up their children, may receive special financial aid if they need it, the state and town sharing equally in the cost. A child who is, on investigation by any municipal authority, found to be cruelly treated or wilfully neglected, or without means of support, may be ordered into the care and custody of such person as the judge may deem suitable, providing that such person consents to support and educate the child, and gives bond so to do. Or the child may be committed to the custody of the State Board of Children's Guardians. or to a children's institution or child welfare organization approved by the state board.

Children may be adopted and guardians appointed for minors on approval by the judge of probate, and on written consent by the child, if of the age of 14 years, and by the parents, guardian, next of kin or some person appointed by the judge.

A child in the custody of a public or charitable institution, or the State Board of Children's Guardians, may be restored to the parent by the supreme judicial court if after examination it appears that the parent or parents can suitably provide for it, and that justice requires its restoration.

The Military and Naval Orphan Asylum is authorized at the discretion of the trustees to admit to the home children or grandchildren of veterans of the Civil War; also orphans or half orphans of veterans of other wars.

Delinquent boys, and girls in moral danger, may be committed to the State School for Boys or for Girls as the case may be.

Care of the Sick

There are numerous private charitable institutions for the sick for which the state makes appropriations, and towns are authorized to provide for the indigent sick. When such appropriations are made by the state, the institutions then come under the supervi-

sion of the State Board of Charities. Local Boards of Health are required to look after persons having diseases dangerous to the public health, and may remove them to separate houses, provide nurses and necessaries free, if the patient is unable to pay for the same. They are also required to furnish antitoxin free to all indigent persons suffering from diphtheria and other contagious diseases.

Care of the Blind

Needy blind persons over twenty-one years of age may receive a state pension of not to exceed $200 per annum per person. Blind or partially blind persons over 18 years of age residents of the state, may receive in the Maine institution for the blind, for a period not to exceed three years, practical instruction in some useful occupation conducive to self-support; and in aid of this work the state makes an annual appropriation to the institution.

The Insane

An indigent insane person committed by the court or a municipal board of examiners as insane is to be maintained by the state, the town where he resides paying the expense of examination and commitment. If the person has no legal settlement in the state all expenses are paid by the state.

The Feeble-Minded

Idiotic and feeble-minded persons, 6 years of age and upward, are cared for and educated in the Maine School for Feeble-Minded. Indigent persons are supported by the state; others are charged a limited sum.

Tuberculosis

Persons who are affected with tuberculosis may be cared for in state sanatoriums at cost, or if indigent, at the expense of the state.

Delinquents

Misdemeanants may be committed to the county jails, of which there is one in each county save two (Lincoln and Sagadahoc.) These counties pay for the care of their prisoners in other counties. They may be also committed to municipal work houses, but only a few cities maintain such an institution. They may also be committed to either the Reformatory for Men or the Reformatory for Women.

Persons who commit more serious offenses may be committed not only to the reformatories but also to the state prison.

The semi-intermediate sentence law is applicable to all state correctional institutions, for each of which the governing board acts also as a parole board.

Soldiers and Sailors

A soldier and sailor who served by enlistment in the Army or Navy of the United States in the Civil War or in the War with Spain, who was honorably discharged and has become dependent upon any town, is not to be considered a pauper and is not to be supported by the overseers of the poor in the poorhouse, but with his family, including wife and unmarried minor children living with him and dependent upon him for support, is to be supported by the town of his settlement at his own home or in such suitable place other than the poorhouse, as the overseers of the town may deem proper. A dependent sailor or soldier and his family may be removed to the town of his settlement.

School for the Deaf

The Maine School for the Deaf was established in 1876 as part of the public school system of the city of Portland, and in 1897 it was taken over by the state and became a state institution. It is a public school for the instruction of children, who, because of deafness, cannot be educated in the schools of the towns in which they live. Tuition and board are furnished free to children whose parents or guardians are residents of the State of Maine. The plant consists of an up to date school building of ten well-furnished school rooms, with a fully equipped gymnasium on the third floor and play rooms in the basement. In the industrial building the older pupils are taught printing, carpentry, glazing, cabinet-making, basketry, chair-caning, sewing, dressmaking, weaving, cooking, ironing, etc. Three other buildings provide a dormitory for boys, a dormitory for older girls and dormitory for small girls and a hospital. There are usually in attendance about 100 pupils, representing every part of the state. Thirty persons are employed. Appropriation for maintenance for 1918 was $31,862.30.

CHAPTER IV.

THE JUDICIARY.

Development of the Court

1607

The Plymouth Company was provided with a code of laws by King James. By the code a president and councillors were elected annually. They had the power to make all needful laws. They sat as a court for civil cases. For all criminal cases of importance a jury of twelve men was required. All cases had to be tried within the colony. Sir George Popham was the first president and with him were five councillors.

1606
1632

There is no record of any organized government, except the existence of a magistrate, between 1606-1632. In 1632, under the New England charter of 1620, Aldsworth and Elbridge were granted a patent for the Pemaquid region. It was known as the Plymouth Company and was granted the power to appoint all governors and make laws (eight patents were granted under this charter.) A representative form of government was established. The chief officers were elected by the people The Plymouth Company surrendered this charter in 1635 and the king appointed commissioners to govern the colonies.

1636

Sir Ferdinando Gorges sent his nephew, William Gorges, to govern his colony called New Somersetshire. He established a court in Saco. Associated with him were six commissioners. This was the first legal tribunal in Maine.

1639

Charles I granted to Ferdinando Gorges a charter, creating him Lord Palatine of all the territory between the Piscataqua and Sagadahoc. He was then made absolute lord and proprietor of the Province of Maine. He established a legislative assembly of fifteen members, seven of whom constituted a court. All matters criminal and civil came before

this court. Inferior courts were established in each county. There were also commissioners, or trial justices, for each town.

1643 Alexander Rigby purchased the Lygonia patent and instituted a government and courts. This created a division which was settled in 1646, making the Kennebunk the dividing line between Gorges and Rigby.

1652 Massachusetts took over the two provinces and named them Yorkshire in 1653. The civil and judicial regulation of Massachusetts became the order in Maine, and continued until 1668. The judicial power was vested in their tribunals, the court of magistrates, consisting of the governor, deputy governor and assistants. It met semi-annually in Boston. The county court was held by the resident magistrate in each county, assisted by four freemen. These were elected by the voters at the annual meeting, approved and commissioned by the legislature. This court held sessions in Maine twice a year. The third court had jurisdiction in all cases within the county where not more than forty shillings involved This court was held by a single magistrate without a jury. A special commission was established for the Kennebec patent in 1654 and with a slight difference, the courts were like those of the rest of Maine.

1660 Charles II was restored to the throne. He appointed a commission which established new courts in the Gorges colony and also in the colony which had been created for the Duke of York.

1668 Massachusetts re-established her courts in Maine and continued to exercise power under the charter of Massachusetts. In 1678 Massachusetts purchased the Gorges patent and changed the government to harmonize with the charter granted to Ferdinando Gorges. Therefore they created a provincial president and two legislative houses, the lower to be elected by the towns, the upper branch of seven members constituted the supreme court. Former laws and precedents were to continue in force.

1685 The colonial charter of Massachusetts was revoked, James II having succeeded to the throne.

He commissioned Joseph Dudley president of Massachusetts, New Hampshire, Maine and Rhode Island. The president appointed fifteen commissioners to assist him. A majority of the council constituted the superior court; it was to sit three times a year for the whole country. County courts were held by a number of the council assisted by an associate.

1689 The people revolted and took affairs into their own hands and formed a provisional government and resumed the administration of affairs under the colonial charter.

1691 William and Mary granted a new charter uniting Plymouth, Massachusetts, Maine and Sagadahoc under one civil government. The governor, lieutenant-governor and secretary of state were appointed by the crown, the legislative power was vested in two branches, a council of twenty-eight members and the house of representatives. The judiciary consisted of a superior court, consisting of a chief justice and four assistants, court of common pleas, quarter sessions and justices court, and later chancery, probate and admiralty courts were added.

1780 Massachusetts having adopted a state constitution, changes were made in the judiciary, the superior court becoming the supreme judicial court.

1800 The number of supreme judicial judges was increased to seven.

1804 The number of supreme judicial courts was reduced to five.

1805 A complete nisi prius system was established with five judges, one or more of whom held the trial terms and three the law terms.

1820 Maine having become a state, created a supreme judicial court of three members, any two of whom could hold court.

1823 The court was required to hold sessions in each of the twelve counties. In addition a term for jury trials was to be held by one of the justices in each county

except four, Franklin, Piscataquis, Washington, Hancock.

1847 The number of justices was increased to four and in 1852 to seven. Since then it has been increased to eight, which is the present number.

1920 The supreme judicial court now has a chief justice and seven associate justices which are appointed by the governor for a term of seven years. Forty-four nisi prius terms with a jury are held by the justices in the various counties of the state. The supreme court when sitting as a law court is by statute composed of five or more justices, but in practice it is composed of the chief justice and five associate justices. The annual sessions of the law court are held in Bangor on the first Tuesday of June; in Portland on the fourth Tuesday of June; and in Augusta on the second Tuesday of December.

A court of common pleas was established in 1822. This court was superseded by the district court in 1839, and this court was abolished by the legislature in 1854 and its work transferred to the supreme judicial court.

Superior Court On account of increasing business, four superior courts have been established, one at Portland for the County of Cumberland; one at Augusta for the County of Kennebec; one at Auburn for the County of Androscoggin; and one at Bangor for the County of Penobscot.

Probate Court The probate court established under the Massachusetts law was continued under the constitution of Maine. In 1853 the office of judge and register was made elective with a term of four years.

Justice of the Peace The office of justice of the peace was continued as it had existed under the laws of Massachusetts. In 1860 their jurisdiction of trial of cases was taken away and the office of trial justice established for small cases, both civil and criminal.

Municipal Court Municipal courts are established by special charters, having jurisdiction ranging from $20 to $500 and the same criminal power as the trial justices.

CHAPTER V.

COURT PROCEDURE.

A Law Suit

It is our purpose to indicate in a general way the modus operandi of our courts. We will start a law suit and carry it through to final judgment. Before starting the law suit, however, we would do well to ascertain just what place the law suit takes in our whole field of law.

Law in a generic sense may be defined as the sum of all the rules enforced by the governing body upon our relations each to the other and to the state. From these rules of conduct, rights and privileges are secured and granted to the individual citizen. Correspondingly there are duties and obligations enforced upon other citizens. When one citizen starts a law suit to recover money damages or the possession of land or specific and peculiar personal property from another, he is calling upon the state to enforce those duties and obligations referred to above.

Two Kinds of Law Suits—Generally speaking we have two distinct kinds of law suits. The first, a civil action, so-called, in which one citizen brings suit to recover money or goods or land from another, and second, a criminal action, so-called, in which the state authorities, representing the citizens of the state, bring action against a single citizen for violation of the laws designed to protect and perpetuate the life of the state.

Civil Action—Civil actions may be divided into actions at law and actions in equity. Actions at law are the more common. They comprise the great mass of cases of which we read in the newspapers. Actions in equity arise because of peculiar situations for which the law gives no remedy. To illustrate: at law for the purpose of bringing action, husband and wife are one and the same person, so that a husband or wife cannot vindicate his or her rights against the spouse in an action at law. The law recognizes the rights of the two individuals, but does not provide

a remedy by the original law suit. A principle of equity is that there shall be no right without a remedy, and acting upon this principle, equity, as a branch of jurisprudence, allows the wife or husband to bring a suit against the other. The case of partners in business is an analogous situation. The business partner must bring an action in equity to establish his rights againt his associate so long as the partnership exists. So much for the difference between law and equity.

Civil actions at law may be again divided into actions ex contractu and actions ex delicto. That is, actions arising out of a contract, and actions arising out of a wrong done to the plaintiff by the defendant independent of any contract relationship between them. These two forms of action at law proceed throughout courts in practically the same manner.

Probate Law—Another class of cases from which suits in both law and equity proceed is comprised in what we call Probate Law, the law concerned with the settlement of the estates of decedents, and to some extent with the adoption of children and the rights between husband and wife. Years ago in England this branch of law was administered by the Ecclesiastical courts. Gradually, however, the law courts took over these matters and now in all the states in this country we have courts whose sole function is to administer the law in this class of cases. These functions and duties are limited by statutes. With this introduction we again start our law suit and while proceeding to final judgment, we learn of our system of courts.

John Jones owes me $15.00 as I claim and he refuses to pay; consequently I bring a suit against him. I will bring my action in an inferior court because of the small amount involved. The inferior courts in Maine consist of the municipal courts of the various cities and the trial justice courts. The jurisdiction of these courts is limited by statute. Trial justices have jurisdiction in most matters involving not more than $20.00 value.

The jurisdiction of municipal courts usually extends over the entire county and covers a subject matter of from $50.00 to $1000 in value, depending upon the amount fixed in the statute in

which the court is granted a charter. If my claim against John Jones was for an amount in excess of the limitation in the charter of the court, I would be required to bring suit in a court of general jurisdiction, the superior or supreme court of the county. On the other hand, while I can bring suit in the court of general jurisdiction if my subject matter is of value of less than $20.00, should I do so, I would recover only one-fourth the costs. This is a penalty provided by the law to prevent small actions being brought in the first instance in the upper courts.

In bringing suit against John Jones, I get an attorney to purchase from the judge of the municipal court a writ, bearing the signature and seal of the judge. The attorney inserts in this writ a declaration, so-called, which is a statement of my claim, in the language required by the law. This writ and declaration is served upon the defendant, John Jones, by an officer, a deputy sheriff or a constable, who makes return on the writ that he has served the same and turns it into court.

The Trial of the Suit—The procedure in court is generally understood. The attorney for the plaintiff reads the writ, makes an opening statement covering his client's claim and then introduces his evidence through the sworn testimony of witnesses. The attorney for the other side then cross-examines these witnesses, if he desires. At the close of the plaintiff's evidence his attorney "rests" as we say, and says in effect that in the absence of any evidence introduced by the defendant he is entitled to recover according to the rules of law. The attorney for the defendant then makes his opening statement, introduces his evidence in like manner, subject to cross-examination, and "rests." Then either party may introduce evidence in rebuttal of evidence introduced by the other party. Then come the arguments, the counsel for the defendant always arguing first. The counsel for the plaintiff has the opening and the close as we say. This procedure obtains in Maine. It is varied in some other states. In many states, for instance in New York, the attorney for the defense makes his opening statement immediately following that of

the plaintiff, before the introduction of any evidence by either side.

The municipal court finds that John Jones owes me, as I have claimed, and John Jones takes an appeal. In the counties of Androscoggin, Kennebec, Cumberland and Penobscot, this appeal is taken to the superior court, and in other counties to the supreme court.

Jury Trial—The superior and supreme courts are the courts of jury trial. In Maine we began with no superior court. Jury trials were held in each of the sixteen counties, the term of court being presided over by a justice from the supreme court. In the counties mentioned above it has been considered that the amount of business required the introduction of further courts, consequently superior courts have been organized. In all of the four counties these superior courts have exclusive jurisdiction of civil and criminal appeals and of the trial of all criminal cases. Otherwise and except for some limitations on the superior courts, the supreme and superior courts of the four counties mentioned above are to all intents and purposes concurrent in their jurisdiction. In the other twelve counties cases are appealed directly to the supreme court.

In these upper courts the procedure is the same as in the lower court and as previously outlined, except that we have the case tried with the intervention of a jury. This jury is called the petit jury. It consists of twelve men selected from the county by the municipal officers of the towns upon direction from the clerk of court. After the introduction of the evidence, the judge delivers to the jury a charge in which he outlines to them the rules of law applicable to the case. The jury then retires and decides the question of fact in the case in accordance with the rules of law given them by the judge. In case of a verdict for either party in a civil action, the other party has the right to proceed to a higher court. The supreme court sitting in banc is a law court, and solely for the purpose of determining questions of law. In case of the inability of the jury to agree and the impossibility in

the opinion of the presiding justice of an agreement, the case stands as though it had not been tried at all and is in order for trial again at the next term of the court.

The Law Court—The right of either party in a civil action to take the case to the law court in banc must come from one of the two following claims: first, that the rules of law given by the judge, for instance in the admission or exclusion of evidence or in his charge to the jury were incorrect, or second, that the finding of fact by the jury is inconsistent with the evidence to such an extent that reasonable men could not have found as the jury did. In the first mentioned class of cases the attorney for the losing party prepares and presents to the law court sitting in banc a bill of exceptions, so-called, in which he states the ruling of the court below which was claimed to be incorrect. In the second class of cases the attorney for the losing party makes a motion for a new trial to the law court. A case may go to the law court from the jury trial court on both exceptions and motion. In my suit against John Jones in which the lower court found for me and to which the defendant took an appeal, let us assume that the jury in the upper court found against me, owing as I claim to certain errors of the judge in instructing the jury as to the law. So I have prepared a bill of exceptions which I have prosecuted to the law court.

The law court, the court of last resort, is comprised of all the eight judges of the supreme judicial court. The jury trial courts meet at a fixed time in the various counties, each county having from three to five terms of court a year. The law court meets three times a year; at Bangor on the first Tuesday in June; at Portland on the fourth Tuesday of June; at Augusta on the second Tuesday of December. Of the eight judges only six sit, the chief justice of the court being always included in this six. The others are determined by previous arrangement. In many instances it will appear that one of the sitting justices presided at the trial of the case in the jury court below. When this occurs, that justice must retire and can have nothing to do with the con-

sideration of the case or the decision of the court. Consequently many cases are argued before, considered, and decided by only five of the justices. The procedure in the law court before the five or six justices sitting, is more simple than at the jury trial. The moving party, that is, the party aggrieved by the decision of the lower court, presents his oral and written argument, followed by his opponent. The moving party may reserve a portion of his time, originally one hour, for rebuttal. Usually, however, the generally recognized inability of any attorney to stop talking once he has started, results in no time being taken for rebuttal.

The decision of the law court may be rendered at the time of argument, or it may not be rendered until a year or more after the case is heard. Generally, however, a written opinion decisive of the case is returned by the law court within six months after argument. These written opinions are put together in chronological order and comprise the reports, so-called, in which the courts interpret the law, and which furnish the great mass of material from which our law comes.

In my case against John Jones, the law court having decided in my favor, exceptions were sustained and the case was returned to the next term of the jury trial court in the county in which it was originally heard, there to have a new trial, and if necessary after the decision of the jury, to come to the law court again. Cases are on record in Maine where at least three jury trials have been had in this manner, although such a situation is the exception. So much for civil actions at law.

Actions in Equity—An action in equity would be tried in the first instance before a judge of the supreme court. No inferior court has jurisdiction over equity matters, nor has any superior court. The case is tried before the single justice without the intervention of a jury, unless the counsel for the one side or the other frames issues of fact for jury determination, approved by the presiding justice. In which case a jury is used for this purpose. Its verdict is not binding as in the case of an action at law, but is merely advisory. It has been the practice in Maine,

however, for the presiding justice to accept the advisory opinion of the jury. Ex-Chief Justice Lucilius A. Emery, stated shortly before his death, that he never knew of a case in which a justice in Maine refused the jury's advisory opinion, but such cases are of record.

Criminal Cases

A criminal action is started by a complaint and warrant or by indictment. The inferior courts have jurisdiction over the lesser offenses, and further have the power of hearing evidence in the case of the higher offenses and of holding defendant under bonds for the action of the upper court.

After the complaint and warrant and a verdict of guilty in the lower court, the case goes on appeal to the supreme court, or in the four counties having superior courts to the superior court. In case the alleged crime was one of which the lower court had, by statute, jurisdiction, the case is then placed on the trial list and must be tried. The county attorney appears for the state in all cases. If on the other hand the case is one in which because of the enormity of the offense the inferior court has only the power to bind over, then in that event action by the grand jury is required.

Grand Jury

This is a body of men selected in a manner similar to the means employed in the selection of the petit jury. It usually consists of twenty-three men, and must be not less than thirteen. Twelve must vote for an indictment, otherwise, no indictment. At the beginning of the term of court the county attorney calls the grand jury into session and presents to them evidence through sworn witnesses, respecting those violations of the law which he believes it is his duty to call to their attention. The grand jury hear only one side, that of the state. They do not determine that the accused is guilty, merely that evidence indicates the probability of his guilt and justifies a trial. Generally speaking, the grand jury votes "a true bill," that is, an indictment against the accused in nearly all cases which the county attorney requests. The county attorney does not always ask for an indictment after presenting the evidence to

the grand jury for the very practical reason that he feels that in some cases the evidence would not satisfy the petit jury of guilt beyond a reasonable doubt, and so would not justify the expense of a trial. Grand juries have other duties beyond that of returning indictments. As guardians of the life and prosperity of the state and consequently its citizens, they have the power to return a presentment without returning an indictment against any individual. They have the right to investigate and report to the citizens of the county, as well as a right to accuse of the commission of crime. For instance, several years ago there occurred in Boston the famous Arcadia fire, in which a number of lodgers were burned to death in a lodging house. The grand jury returned a presentment, giving to the citizens of the county a statement of the result of their investigations, together with recommendations, but without any indictment of the proprietor of the lodging house or any other individual.

When the grand jury has considered all the matters brought before it by the county attorney, it rises, as we say, reports its indictments and is discharged, subject to recall at the next term of court or earlier if emergency arises. After the indictment is returned the accused must be apprehended and either await trial in custody or give bonds for his appearance on the day of the trial.

Trial of Criminal Cases The trial of criminal cases proceeds in much the same manner as that of the civil case, and exceptions and appeal may be taken by the respondent to the law court after jury verdict against him, in much the same manner although under different statute provisions. There is this important distinction, the state has no right of exception or appeal —in the State of Maine. The respondent, however, has all the rights of appeal and exception and to a new trial in a manner analogous to the procedure in the trial of civil cases. Another distinction should be noted. The verdict of a jury in a civil case is rendered upon the basis of a preponderance of the evidence presented. The plaintiff has the burden of proof, but once the scales tip one way or the other, their verdict is rendered that

way. In criminal cases a different rule applies. Not only has the state the burden of proof, but it must satisfy the jury that the accused is guilty beyond a reasonable doubt. The jury must find from the facts as they believe them, that there exists no doubt of the guilt of the accused which a man could with reason consider.

Convicted criminals are sentenced to imprisonment or fine or both. If the offense is a minor one, according to a classification made by the statutes of the state, it is considered a misdemeanor, and imprisonment is in the jail of the county. Imprisonment for the higher offenses, felonies, is had in the state prison, regardless of the county in which the conviction is had. So much for criminal cases.

Probate Cases

We have seen that the jurisdiction of the estates of deceased persons was originally invested in the Ecclesiastical courts, and then was taken over by the law courts in England and comes to us limited by the statutes of the various states. We can trace our probate court by taking as an example an ordinary will case, so-called. John Jones makes his will, according to formalities required by law, including the attestation of three witnesses to his signature, unless the will is nuncupative, that is, one made by the deceased orally instead of in writing, owing to the exigencies at the time it is declared. Upon the death of John Jones, this will is presented for probate, and must be proved to be the will of the deceased. The usual objections to a will are, first, that the deceased was of unsound mind when he executed the will, or, second, that it was made under the undue influence on the part of another individual, usually one who benefits greatly by the will, or, third, that it fails to allow to some heir that part of the estate of the deceased which the law guarantees to him. These questions are decided in the first instance by the judge of probate. From his decision an appeal may be taken to the Court of Probate, which is the Supreme Judicial Court for the county, where the will is presented for probate. There the case is heard as in the case of an equity hearing by a single justice without the intervention of a jury, unless issues of fact are framed. From the decision of the Supreme

Court of Probate, constituted as above noted, an appeal lies to the law court. In the law court the procedure is as previously outlined in civil cases. Upon a final determination by the law court sustaining or rejecting the will, the case goes back to the judge of probate for action in accordance with the opinion of the law court. If the will is sustained and the decision of the judge of probate thereby affirmed, the executor nominated by the will to handle the estate, or if no executor was nominated, the administrator, proceeds to pay the debts of the deceased and distributes the remaining assets in accordance with the terms of the administrator proceeds to pay the debts of the deceased and distributes the remaining assets in accordance with the terms of the will. If the will is rejected or if the deceased left no will, an administrator is appointed who pays the debts of the deceased and divides the balance remaining among the heirs in accordance with the statute of distribution. In performing his duties, the executor or administrator is placed under bond unless the will provides otherwise, and even then if the judge of probate considers it advisable. He is further required to make an accounting of his doings and file with the court vouchers for all disbursements.

In addition to this source of jurisdiction the probate courts have, in part jurisdiction over the adoption of children, the change of name of an individual, and the rights between husband and wife. In some of these cases jurisdiction is concurrent with that of the supreme courts and in fact of the municipal courts as, for instance, in a statute proceeding by a wife against a husband for non-support of herself or minor children.

A recent statute in Maine has given to probate courts a wide jurisdiction concurrent with that of the supreme court in all cases of equity suits, arising out of a settlement of estates, and there is a sentiment in the State of Maine today to further extend the jurisdiction of probate courts. For example, to give to probate courts jurisdiction over divorce cases concurrent with the supreme and superior courts. In fact the tendency is to extend rather than limit the jurisdiction of the probate courts.

Juvenile and Domestic Relations Courts

In other and larger states we have the courts further divided. Juvenile courts in which the delinquencies of minors are considered, and courts of domestic relations, in which rights between husband and wife, including divorce, are considered, are found in many states. In Maine these various matters are considered in our supreme and superior courts.

PART V.

NATIONAL GOVERNMENT.

CHAPTER I.

THE EXECUTIVE DEPARTMENT.

The government of the United States as provided by the constitution has three divisions: (1) Executive, (2) Legislative, (3) Judicial.

The executive department includes the president, vice-president and the cabinet. The president and vice-president are elected by the vote of state electors chosen by the voters in each state, each state having as many electors as it has senators and representatives. The state votes for its electors on the Tuesday after the first Monday in November every fourth year. Each political party nominates a set of electoral candidates for whom the people vote. The successful party candidates are pledged to vote for the man nominated for president at their national convention. The electors meet at their state capitol and vote for their candidate. The votes are carried to Washington by a messenger who gives them to the president of the senate. He counts them in the presence of both houses, and the names of the candidates elected are announced. In case of a tie vote in the electoral college for president, the House decides who shall be the president, and in the case of a tie vote in the electoral college for the vice-president, the Senate decides who shall be vice-president.

The President The president takes his oath of office on the fourth of March following his election. His duties are as follows: Commander of the army and navy; to make treaties with the consent of the Senate; to appoint the members of his cabinet; to veto any measure; to appoint ambassadors and consuls, justices and judges with the consent of the Senate; to grant pardons and reprieves; to recommened measures to Congress.

Vice-President The vice-president takes office on the fourth of March following his election, and serves

four years. His chief duty is to preside over the Senate. As a member of the Senate he has no vote except in cases of a tie. In case the office of president becomes vacant, he succeeds to the presidency. He in turn would be succeeded by the secretary of state, who would be succeeded by each member of the cabinet in turn.

The Cabinet — The Cabinet has ten members appointed by the president to serve at his pleasure. They are an advisory council and are the heads of the executive departments.

Secretary of State — The secretary of state has charge of foreign affairs, controls diplomatic agents, issues passports. The great seal and the important state papers are in his keeping.

Secretary of the Treasury — This secretary is responsible for the financial business of the country. He collects all revenues and customs, issues bonds, and has control of the mint and the printing of money. The Secret Service Bureau is under his direction.

Secretary of War — All military matters are in charge of the Secretary of War; army plans, and all purchases and transportation for the army. He is responsible for the West Point Military Academy. He directs the work of river and harbor improvements. The important Bureau of Insular Affairs is a part of his department.

Attorney General — The attorney general is the legal advisor of the president and the other government officials. All prosecutions for violation of the federal law are under his supervision. The district-attorneys are members of his department. He also has charge of the Bureau of Investigations, which investigates practically all violations of federal law.

Postmaster General — The postmaster general has charge of the United States mail service, the establishing of small postoffices, the appointing of the less im-

portant postmasters, and he also has charge of the Postal Savings Banks.

Secretary of the Navy — All naval affairs are under the control of the secretary of the navy. He has charge of the construction of ships, the control of the navy yards and the naval academy at Annapolis.

Secretary of the Interior — This official has charge of the public lands, Indian bureau, preservation of natural resources, bureau of education, patents, and the pension office.

Secretary of Agriculture — The secretary of agriculture has charge of all work relating to the farm life of the people, the inspection and analysis of fertilizers, biological survey, forestry service and weather bureau.

Secretary of Commerce — This department has charge of consul reports, the census, navigation, fisheries, coast surveys, foreign and domestic commerce, and all work of transportation.

Secretary of Labor — The secretary of labor has charge of emigration, and labor. He also has charge of the Children's Bureau.

Ambassadors — Ambassadors are the representatives of the President in other countries, and are, therefore, supposed to rank in the government to which they are sent as the President would, if he were present in person.

Ministers — The diplomatic persons next in rank are the envoys extraordinary and ministers plenipotentiary. They are sent to countries which send like representatives to the United States. Their residences are known as legations.

Consular Service — The consular service deals with commercial problems. There are about 700 consular officers in this service. They are our agents in the commercial enterprises in which the United States is en-

gaged. Their importance is seen from the fact that our foreign trade is over $3,000,000,000 annually. The consuls are on the watch for new trade opportunities. They gather and tabulate every kind of data dealing with commerce.

CHAPTER II.

LEGISLATIVE DEPARTMENT.

The law making power of the government is with the Congress, which is composed of the Senate and the House of Representatives.

The Senate — Each state is represented by two senators. Senators are elected by the people for a term of six years. They must be thirty years old, a citizen of the United States nine years, and a resident of the state which they represent.

The House of Representatives* — Each state is divided into congressional districts, based upon its population. The apportionment of 1910 gave one representative for every 211,877 inhabitants. This allowed Maine four districts and four representatives. Should the apportionment be increased by the 1920 census, Maine might probably be reduced to three districts because our population has not increased as fast as that of other states. A representative must be twenty-five years old, live in the state he represents, and have been a citizen of the United States seven years.

How Congress Passes a Bill — About 45,000 bills are introduced each year. These bills go into a hopper, a large basket near the speaker's desk. The speaker refers each bill to some committee. The journal clerk records the bills. They go to the government printing office and 625 copies of each bill are printed. We will select one bill and follow it through the house and senate. If it goes through without serious opposition, the steps are as follows: The bill is discussed by the committee to which it was referred. They vote to report it to the house and recommend its passage. The speaker orders it printed in the cal-

* House voted to increase the apportionment and Maine will have after 1923 only three representatives.

endar. Again the clerk makes a record of the bill and it goes to the printing office where 1000 copies are printed. On the day called calendar Wednesday, the speaker directs the call of the committees. The chairman of the committee having the bill in charge (when his committee is called) calls up the bill. The speaker announces that the clerk will report the bill. The bill with amendments is read. It is then discussed, each party having an equal amount of time, if it is a party question. A vote is taken and the bill is passed. The clerk then makes a third record of the bill. A certified copy is carried to the Senate by the clerk. Upon his arrival at the senate the sergeant-at-arms announces a message from the house. The house clerk states to the senate that the house has passed this bill. The vice-president takes the bill and refers it to the proper committee. After consideration by this committee it is reported to the senate and placed on the calendar. The senate then orders the bill to be engrossed. The bill is read by title only and after discussion a vote is taken and the bill is passed. Then it is returned to the house and referred to the committee on enrolled bills. This committee examines it and reports that it is properly enrolled, after which the speaker signs it and sends it to the senate. Then the vice-president signs and the committee on enrolled bills sends it to the president, who approves it with his signature. One of the president's secretaries then carries a written message from the president to the senate and house that he has approved the bill.

Congressional Commissions

In addition to the representatives elected there are commissions in the House representing Alaska, Philippines, Porto Rico and Hawaii. They do not vote but have every other privilege.

Congressional Sessions

Congress holds two sessions, one begins the first Monday in December on the even years and ends the following fourth day of March. The other session begins on the first Monday of December on the odd years and may continue until the next session.

Work of Congress

All bills for revenue must originate in the house. Congress raises taxes, borrows money and regulates commerce with each state and foreign nations. Congress establishes post roads and postoffices; grants patents and copyrights; establishes courts inferior to the supreme court; declares war; provides for the army and navy.

House Committees

The House carries on its business through the following committees: Agriculture, Appropriation, Liquor Traffic, Banking, Foreign Affairs, Immigration, Labor, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Rivers and Harbors, and Ways and Means. This last named committee frames the tariff bills.

Duties of the Senate

The Senate tries all impeachment cases. The Senate committees are as follows: Rules, Naval Affairs, Railroads, Industrial, Military, Foreign Relations, Finance, Commerce, Appropriation, Banking and Currency, Agriculture and Forestry.

CHAPTER III.

COMMISSIONERS.

Commissions — In addition to the regular departments for carrying on the business of the nation, various commissions have been created.

Civil Service — This commission has three members whose business it is to examine candidates for clerkships in the departments. More than one hundred thousand clerks are employed. Some of the clerks are appointed by the president with the consent of the senate, and some are appointed by the president, but most of the positions are filled through civil service examinations.

Interstate Commerce Commission — This commission has seven members, whose work it is to direct the interstate commerce and transportation.

Federal Trade Commission — The Federal Trade Commission has five members, whose work is to see that all interstate trade is carried on in harmony with federal trade regulations.

Federal Reserve Board — This board has seven members charged with the work of the federal banking system.

Federal Power Commission — This commission provides for the improvement of navigation and the development of water power. The commission is composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture.

CHAPTER IV.

INSULAR POSSESSIONS.

The United States exercises jurisdiction over 3000 islands with a population of 10,000,000. These islands have a combined area of 70,000 square miles.

Hawaii

The Hawaiian or Sandwich Islands were constituted on June 14, 1900 the Territory of Hawaii. There is a Legislature of two Houses, a Senate of 15 members elected for four years, and a House of Representatives of 30 members elected for two years. Sessions, limited to sixty days, are held biennially. The governor and secretary are appointed for four years by the president of the United States. The Territory is represented in Congress by a delegate elected biennially.

The estimated population on June 30, 1919, was 250,627. Hawaii has a supreme court, circuit courts, district courts and a land registration court. The judges of the supreme and circuit courts are appointed by the United States president; the district magistrates by the governor of Hawaii. There is also a United States District Court, the judges of which are appointed by the President.

Porto Rico

Porto Rico, by the treaty of December 10, 1898, was ceded by Spain to the United States. Its constitution is determined by the "Organic Act" of Congress (1917) known as the "Jones Act," the main features of which are the granting of American citizenship to the people of Porto Rico, the separation of the legislative and executive functions, extension of the appointive judiciary system and an elective senate. Porto Rico has representative government, the franchise being restricted to citizens of the United States twenty-one years of age or over, residence (one year) and such additional qualifications as may be prescribed by the legislature of Porto Rico, but

no property qualification may be imposed. The executive power resides in a governor appointed by the President of the United States. The legislative functions are vested in the legislature which consists of two elective houses; the Senate, composed of 19 members (2 from each of the 7 senatorial districts and 5 senators at large), and the House of Representatives composed of 39 members (1 from each of the 35 representative districts and 4 elected at large.) Porto Rico is represented in Congress by a Resident Commisioner to the United States elected by the people for a term of four years. There are six heads of departments, who form a Council to the Governor known as the executive council. The essential features of the United States civil service have been incorporated into a local law by the Legislature. The judiciary comprises an Attorney General and staff and a United States court apointed by the President; a Supreme Court of 5 members also appointed by the President; 7 District Courts appointed by the Governor; and 34 municipal courts, the judges and officials of which, as well as the 51 justices of the peace, are appointed by the Governor.

Philippine Islands

The Philippine Islands are now under civil government. The Governor-General, who is the Chief Executive, the Vice-Governor, who is also the Secretary of the Department of Public Instruction, the Auditor and the Deputy Auditor are all appointed by the President of the United States. Both branches of the Legislative Body—the Philippine Senate and the House of Representatives—are elected. The members of the upper and lower houses of the Legislature are elected for terms of six and three years respectively, and the Legislature elects two Resident Commissioners to the United States, who hold office for the term of three years. There are six Executive Departments: Interior, Public Instruction, Finance, Justice, Agriculture and Natural Resources, and Commerce and Communications. The Secretaries of Departments, appointed by the Governor-General by and with the consent of the Philippine Senate, are all Filipinos, with the exception of the Secretary of the Department of Public Instruc-

tion who is an American. The islands are subdivided into 38 provinces. There are two classes of provinces, viz., regular and special. Thirty-three of the provinces are regular, and the rest special. The government of each of the regular provinces is vested in a provincial board composed of a governor and two members. The governor is the chief executive of the province and presiding officer of the board. He and the members of the board are elected by popular vote. The governors of the special provinces, with the exception of one also elected by popular vote, are appointed by the Governor-General with the advice and consent of the Philippine Senate. The government of the towns is practically autonomous, the officials being elected by the qualified voters of the municipality and serving for three years. The officials consist of a president, vice-president and councillors, the latter varying in number according to population. Local municipal government has been instituted in about 814 municipalities and 247 towns. For the administration of justice there are: A supreme court, with a chief justice and eight associate justices; 26 judicial districts, each with a judge of first instance, except the ninth district, which has four judges, the same covering the city of Manila. There is also one justice of the peace and one auxiliary justice for each organized municipality and for such other towns or places as may be determined by resolution of the Philippine Senate. Public order is maintained through the municipal police and the Philippines Constabulary. The strength of the Constabulary at the close of 1918 was 360 officers and 5,708 enlisted men, distributed throughout the Archipelago. The United States maintains in the Philippine Islands a force of about 5,600 troops of the U. S. Army, and about 8,700 Philippine Scouts. In March, 1917, an Act was passed to establish a militia which should consist of every able-bodied male citizen of the Philippine Islands between the ages of 18 and 45. The Archipelago is divided into 48 educational divisions. The teaching staff comprises 406 American teachers for all grades, 1,370 Filipino teachers on Insular pay, and 10,451 Filipino teachers paid by the municipalities. English is taught in all the public schools of the islands, to

the number of 4,747. In 1917-18 there was an annual enrollment of 671,398 pupils in the public schools. The annual expenditure on education is about 5,000,000 dollars.

In addition to our insular possessions, we have separate methods of governing our other territories, Alaska and District of Columbia.

Alaska

Alaska was purchased by the United States from Russia under the treaty of March 30, 1867, the purchase price having been $7,200,000. The Governor is appointed by the President of the United States for four years, and is assisted by a Surveyor-General, who is ex-officio Secretary of the Territory, and other officials. By Act of Congress approved August 24, 1912, Alaska became a Territory, with a legislative assembly consisting of 8 senators and 16 representatives. Congress reserved to itself the right to legislate on certain subjects, so that the territory is now governed co-jointly by Congress at Washington and by the local legislative assembly. Regular sessions are held biennially. Special sessions may be called by the governor. In 1919 there were 62 schools in Alaska with 3,164 enrolled pupils and 135 teachers. Total cost of instruction, 280,563 dollars. For the administration of justice the territory is constituted as a judicial district with 4 sub-divisions and 4 courts.

CHAPTER V.

THE JUDICIARY.

The federal constitution provides for the Supreme Court. The inferior courts are established by Congress. The judges of all Federal Courts are appointed by the President and confirmed by the Senate. Unless they resign they serve for life, if not impeached. There are three classes of Federal Courts:

The Supreme Court — The Supreme Court, having nine members, sits from October to May each year. It has original jurisdiction in comparatively few cases. Most of the cases are first tried in other courts.

The Circuit Court of Appeals — The country is divided into nine districts. In each of the nine judicial districts, there is a circuit court of appeals, consisting of a number of judges. In three of these courts there are four judges and in one of them two. In the other five there are three judges. Appeals are taken from the circuit court to the Supreme Court.

District Courts — These courts are held by a district judge. They try cases entitled to pass beyond the state courts.

Federal courts have jurisdiction over all violations of federal law; over cases between states, or citizens of different states. If a question of federal law is involved a federal court may review the decision of the highest state court.

Court of Claims — This court hears all claims brought against the United States, except claims for pensions.

Court of Custom Appeals — This court has jurisdiction over all cases involving customs.

CHAPTER VI.

LEGAL POLITICAL TERMS.

Alien and Sedition Law — The law by which an alien judged to be dangerous to the peace and liberties of America may be deported. Sedition consists in conspiracy against the government; the utterance of false, scandalous or malicious writing, etc., against the Government by either aliens or citizens.

Eminent Domain — The right of the government to condemn and take private property for public use, the courts to determine the value by jury decision.

Franchise — The grant of special privilege which enables a corporation in a state or municipality to do business. Also the right of an individual to vote.

Habeas Corpus — An order or writ, obtained from a judge of the court, commanding that the designated prisoner be immediately brought into court for examination. The right of Habeas Corpus is especially provided for in Federal and State Constitutions, and is intended to prevent the illegal detention of persons falsely accused of misdeed.

Mandamus — A writ compelling an officer or corporation to perform his or its public duty, which may have been omitted, neglected or refused.

Alibi — The plea of having been at the alleged time of commission of an act elsewhere than at the alleged place of commission.

Et Ali — And others.

Non Compos Mentis — Not of sound mind, memory or understanding.

Feme Sole — A single woman.

Feme Covert — A married woman.

De Facto — Actually. A term used to denote a thing actually done.

Statute of Limitations — The act limiting time within which actions may be brought.

Religious Freedom — The constitution guarantees to all men the right to worship God according to the dictates of their own consciences, puts all religious sects on an equality before the law, and prohibits any religious test as a qualification for public office; but religious observances must be so conducted as not to disturb the public peace or the rights of others, and without practices which are immoral or illegal. While there is no established church or state religion, the courts recognize Christianity as the prevailing religion of the country.

Assembly and Petition — The people have a right at all times to assemble in a peaceable and orderly manner, and to petition any branch of the government for a redress of grievances.

Freedom of the Press — Every citizen may freely express his opinion on any subject, laws regulating or restraining the freedom of the press being expressly forbidden; but the author or publisher is, of course, liable for the issuance of libellous or scandalous matter.

Search and Seizure — The persons, houses, papers and possessions of the people are secured against unreasonable searches and seizures. Search warrants may be issued only on probably cause, supported by oath or affirmation and must particularly describe the place to be searched and the thing to be searched for.

Arms — Every citizen has a right to keep and bear arms for the common defense, but this does not include the right to carry concealed weapons, or such as are primarily designed for personal encounters.

Standing Army — A standing army may not be kept up in time of peace without the consent of the legislature,

nor may soldiers in time of peace be quartered in any house, without the consent of the owner or occupant.

Taxation Private property may not be taken for public use without just compensation, nor unless the public need requires it. No tax may be laid on the people without their consent, given directly or through their representatives in the legislature, and only the legislature may suspend the operation of a law.

Jurisdiction Jurisdiction, in its legal use means the right of a court to consider or try a case. Jurisdiction may be either original or appellate, exclusive or concurrent. Original jurisdiction is the right to try the case in the first instance; appellate jurisdiction, the right to try a case appealed to it from another, usually a lower, court; exclusive jurisdiction, the sole right to try the case; and concurrent jurisdiction, the right of two or more courts to try the same case. Jurisdiction is further classified as common law jurisdiction, the right to try offences recognized by the common law, as distinct from those recoginzed by statute only; civil jurisdiction, the right to try civil cases; criminal jurisdiction, the right to try criminal cases; and jurisdiction to consider questions of law as distinguished from questions of act.

Parties The parties to a civil action, or "suit," are called respectively the plaintiff and the defendant. The plaintiff is the party who claims to have suffered the injury. The defendant is the party who is charged with having done the wrongful act, and from whom satisfaction or damages are sought. Any number of persons, if similarly situated in reference to the matter in controversy, may appear jointly as plaintiffs or defendants; a corporation may sue or be sued; and parents or guardians may appear in behalf of the persons under their care.

Crime When a wrongful act is of such a nature that it affects injuriously the whole community, irrespective of the injury it may inflict upon any individual, the law classes it as a crime. In criminal proceedings the State, through its duly appointed agents, appears as the prosecutor of

the criminal. To make an act a crime, it must not only be a violation of some provision of law, but must also exhibit a criminal intent, that is, it must be done under circumstances which, given ordinary intelligence, make it reasonably clear that the person who committed the act knew that it would, and therefore intended that it should, produce the unlawful result. To commit a crime, accordingly, a person must be mentally responsible; hence, insane or feeble-minded persons and young children are not regarded by the law as capable of committing crimes. But a person rendered temporarily irresponsible by some voluntary act of his own, as, for instance, an intoxicated person, is criminally liable.

Felony A wrongful act which is punishable by imprisonment in the State prison is known as felony; other wrongful acts are known as crimes, offences or misdemeanors. If a person has been the leader in committing an offence he is called the "principal;" those who have assisted him are called "accessories." The law punishes both the principal and those who aid him.

Hearing A person arrested on a criminal charge is entitled to an early hearing before a court having jurisdiction of the offence.

Bail Bail is a money security, given by some person on behalf of the prisoner, as a pledge that the accused person will present himself at the proper time for trial, the amount being forfeited to the State in case the accused does not appear.

Truancy A child who is absent without excuse six or more consecutive sessions during any term is regarded as an "habitual truant," and as such may be arrested and taken to school, the persons responsible for the absence being also liable to prosecution.

Police Power While all laws are for the public benefit, the State in the exercise of what is called the "police power," exercises special jurisdiction over the lives, health, morals, and occupations of its citizens in certain particulars. Thus, it prohibits gambling and lotteries, punishes

the circulation or exhibition of immoral pictures and literature, including reproductions of prize fights, prohibits the sale of cigarettes to minors, and puts under ban both the manufacture and sale of alcoholic liquors as beverages. It prescribes the use of safety appliances on railroads and regulates the hours of labor in factories, while in the general interest of health and life it assumes special authority in regard to infectious and contagious diseases.

CHAPTER VII.

IMPORTANT DATES IN MAINE HISTORY.

986	Biorn (or Bjarn), a Norseman, first European to visit America, lands at Cape Cod.
1000	Lief and Norsemen, investigating Biorn's story, spend the winter near present site of Fall River and name the place Vinland.
1002	Lief's brother, Thorvald (Thorwald) visits Vinland and remains three winters.
1008	Thorfinn and his wife, Gudrida (Gudrid) also spend three years in Vinland. (Their son, Snorri Thorfinnson, was the first white person born on the American continent.)
1121	Bishop Eirik (Erik, Erick) visits Vinland as a missionary.
1492	Christopher Columbus discovers America.
1497	John Cabot, first English explorer to New England coast.
1498	Sebastian Cabot explores entire New England coast. (On this voyage England based her claim of the New World from Atlantic to Pacific.)
1500	Gasper Cortereal, for Portugal, searching for Northwest Passage, sails along Maine coast.
1524	Giovanni da Verrazano (Verrazini), for Francis I of France, makes extended examination of Maine shores.
1525	Estevan Gomez for Charles V of Spain, seeking Northwest Passage, enters many New England harbors.
1527	John Rut, for England, explores interior of Maine.
1556	Andre Thevet, for France, visits Maine and explores Penobscot.
1583	Sir Humphrey Gilbert, for England, explores Maine coast.
1602	Coast of Maine visited by Bartholomew Gosnold.
1603	Martin Pring makes survey of coast and larger rivers.
1604-5	Expedition of De Monts.

1605 Captain Weymouth kidnaps natives.

1606 First Virginia charter. Southern part of Maine included in grant to the Plymouth Company.

1607 Unsuccessful Popham colony at mouth of Kennebec. Building of first ship on American soil.

1613 Jesuit mission established on Mount Desert Island.

1614 Coast visited by Captain John Smith.

1615-18 Destructive war and pestilence among the eastern Indians.

1616-17 Richard Vines winters at mouth of Saco River.

1620 Patent of the Council for New England. The whole of Maine included.

1622 Grant to Gorges and Mason of the region between the Merrimac and Sagadahoc, under the name of Laconia.

1623 Permanent settlement made at Saco. Other settlements by this time at Sheepscot, Damariscotta, Pemaquid, Monhegan and a few other points.

1625 Trading post established on the Kennebec by Plymouth colonists.

1627 First Kennebec patent.

1628 First charter of Massachusetts.

1629 Comnock's patent (Scarboro and vicinity.)
Second Kennebec, or Plymouth patent.

1630 Two Saco patents:
Lygonia patent (region of Casco Bay.)
Muscongus patent (east of Penobscot,) later known as Waldo patent.

1631 Pemaquid patent.

1635 Division of the territory of the Council for New England.
Encroachments of the French, under d'Aulney, on the Penobscot.

1636 First organized government in Maine set up at Saco by William Gorges, nephew or Sir Ferdinando Gorges.

1639 Sir Ferdinando Gorges' charter of "The Province of Maine."

1639 Pejepscot tract (Brunswick and vicinity) ceded to Masschusetts.

1641 First chartered city in America—Gorgeana.

1651 Massachusetts asserts its claim to Maine under the charter of 1628.

1652-53 Settlements in western Maine submitted to Massachusetts. County of Yorkshire established. Gradual absorption of other settlements.

1653 First representation of Maine, then county of Yorkshire, in the Massachusetts General Court.

1661 Plymouth, or Kennebec, patent sold to John Winslow and others.

1664 Royal order directing Massachusetts to restore Maine to Ferdinando Gorges (grandson of original proprietor.) Eastern Maine included in grant to Duke of York, and known as "Newcastle," or the "County of Cornwall."

1665 Royal commissioners set up independent government in Maine.

1668 Massachusetts government resumes control.

1674 County of Devonshire (east of Kennebec) established.

1675-77 King Philip's war.

1677 Purchase of Maine by Massachusetts from Gorges for 1250 pounds.

1678 Andros becomes governor, under the Duke of York, of New York and Sagadahoc.

1680 Government of Maine reorganized by the General Court.

1684 Massachusetts charter vacated.

1687 Andros governor of New England.

1688-99 King William's War. Settlements in Maine ravaged.

1689 Andros deposed and provisional government set up.

1691 Second charter of Massachusetts, including whole of Maine.

1697 Treaty of Ryswick. France and England both claim Sagadahoc (territory between Kennebec and St. Croix.)

1703-11 Queen Anne's, or Third Indian War. Settlements again ravaged.

1722-25 Lovewell's, or the Fourth Indian War.

1739 Line between Maine and New Hampshire fixed, after long dispute, by the king in council.

1741 George Whitfield visits Maine. A second visit in 1744-45.

1745 Capture of Louisburg by New England troops commanded by William Pepperell.

1745-56 Renewed Indian war.

1754-63 Seven Years' War, the last of the French and Indian Wars.

1760 Cumberland and Lincoln counties established.

1775 Capture of British schooner *Margranetto* at Machias. Falmouth burned by British. Arnold's expedition to Quebec.

1778 Maine constituted a district by the Continental Congress, and a maritime court established.

1779 Unsuccessful attempt to drive the British from the Penobscot.

1780 Constitution of Massachusetts.

1784 Establishment of the province of New Brunswick, and beginning of the long boundary dispute between the province and Maine.

1785 *Falmouth Gazette,* first newspaper in Maine, established to aid the agitation in favor of separation from Massachusetts. Convention at Falmouth to consider separation.

1786 Second convention for separation.

1789 Hancock and Washington counties established.

1794 Bowdoin College founded.

1799 Kennebec County established.

1801 First free public library established (at Castine.)

1805 Oxford County established.

1809 Somerset County established.

1813 September 5, capture of the British brig *Boxer* by the American brig *Enterprise* off Portland.

1814 British control established on the Penobscot and elsewhere in eastern Maine, continuing until end of war.

1816 Penobscot County established.

Revival of agitation for separation.
First separation law; not accepted.
Great western emigration, or "Ohio fever."
"Cold year."

1819 Second separation act: accepted. State constitution formed.
1820 Maine admitted to the Union.
1827 Waldo County established.
1832 Removal of seat of government from Portland to Augusta.
1838 Franklin and Piscataquis counties established.
1838-39 "Aroostook War."
1839 Aroostook County established.
1842 Ashburton treaty, settling the disputed northeastern boundary.
1846 First prohibitory law: ineffective.
1851 Prohibitory law, or "Maine Law."
1854 Androscoggin and Sagadahoc counties established.
1855 Mob outbreak in Portland over liquor agency.
1860 Knox County established.
1863-64 Twice invaded by Confederates.
1870 Summer visitors "discover" Maine.
1872 New Sweden colony established.
1875 Compulsory education bill passed.
1876 Death penalty abolished.
1879 "State Steal," disputed gubernatorial election.
1880 Adoption of constitutional amendment providing for biennial elections and biennial sessions of legislature.
1884 Prohibitory constitutional amendment adopted.
1891 Australian ballot system introduced.
1892 Adoption of constitutional amendment providing educational qualification of voters.
1907 Unsuccessful attempt to remove State Capitol to Portland.
Celebration of ter-centennial of American shipbuilding (at Bath.)

1908 Direct initiative of legislation and optional referendum adopted.

1910 Final settlement of northeastern controversy with Great Britain.

1911 Augusta declared seat of government by constitutional amendment.
Attempt to repeal prohibitory law defeated.

1912 Constitutional amendment adopted authorizing issue of highway bonds.

1913 Taxation of intangible personal property authorized.

1914 Public Utilities Commission created.

1915 Workmen's Compensation law adopted.

1916 Sieur de Monts National Monument established on Mount Desert. (Name changed by Congress in 1919 to Lafayette National Park.)
Largest vote ever cast in State election.

1917 Committee of One Hundred on Public Safety appointed by Governor.
Million dollar appropriation for war purposes.
National Guard mobilized at Augusta on July 5.

1919 103d Infantry demobilized at Camp Devens, April 26-28.

1920 Centennial celebration at Portland, June 28-July 5.

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